

# **Department for Communities and Wellbeing**

## **Complaints Policy**

**(For Adults in receipt of services under the  
provisions of the Local Authority Social Services  
and National Health Service Complaints (England)  
Regulations 2009)**

# **November 2015**

**Author: Sharon Wells**

**Customer Engagement Manager**

**Review Date: April 2018**

## Policy checklist

Equality Impact Assessment (EIA)	Yes	No	Not applicable
Training requirements considered	Yes	No	Not applicable
Policy Exemptions	Yes	No	Not applicable
Consultation completed	Yes	No	Not applicable
Approved by Adults SMT	Yes	No	Not applicable
Performance & Standards informed	Yes	No	Not applicable

This Policy covers the Procedure for making a Complaint, raising a Concern, or making a Compliment to Adult Social Care Services.

The following documents have been used in consultation:

- [The Local Authority Social Services and National Health Service Complaints \(England Regulations 2009\)](#)
- [Listening, Responding, Improving – A Guide to Better Customer Care \(Department of Health, 2009\)](#)
- [Safeguarding Adults Guidance and Policy](#)
- [Care Quality Commission – Guidance for inspectors How we manage concerns, complaints and safeguarding information](#)

## Contents

Introduction to the complaints procedure .....	4
1. Background .....	4
2. Who does this procedure apply to? .....	4
3. What is a complaint? .....	4
5. Timescales .....	5
6. Who can complain? .....	6
7. What can be complained about?.....	6
8. What is excluded from the Complaints Procedure?.....	6
9. How complaints may be made: .....	8
10. Anonymous Complaints .....	8
11. On receipt of a complaint .....	8
12. Customers with Personal Budgets .....	9
13. Self funded Services .....	9
14. Complaints relating to regulatory standards– Care Quality Commission (CQC) .....	9
15. Co-ordinated Working Across Professional Boundaries .....	10
16. Social Care Provider/Voluntary Agency Complaints .....	10
17. Complaints which involve Safeguarding Adults (Adult Protection) ..	11
18. Concerns raised by a Councillor or a Member of Parliament .....	11
19. Persistent and unreasonable complainants.....	12
20. Investigation, response, closure .....	12
21. Local Government Ombudsman (LGO) .....	13
22. Advocates .....	14
23. Improving – learning from complaints .....	14
24. Record Management and Data Protection .....	14
25. Compliments.....	14
Appendix 1 Joint Protocol with Health .....	15
Protocol for Joint Working on Health and Social Care Complaints .....	16
Contact details .....	20
Flowchart of Complaints Process Appendix 2 of Complaints Policy .....	21

# **Introduction to the complaints procedure**

## **1. Background**

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 were laid before Parliament on the 27 February 2009 and came into effect on the 1 April 2009. From 1 April 2009 there has been a single approach to dealing with complaints to ensure consistency in complaints handling across health and social care organisations. This procedure is based on the Department of Health's guidance, 'Listening, Responding and Improving' which supports the statutory requirements for the handling and consideration of complaints. Its intention is to allow more flexibility when responding to complaints and to encourage a culture that uses people's experiences of care to improve the services provided by Bury Adult Care Services.

## **2. Who does this procedure apply to?**

This procedure applies to those who wish to make/or have made a complaint and to staff within Adult Social Care; the objectives are to ensure that:

- All complaints are dealt with efficiently, effectively and in a consistent manner
- Complaints are properly investigated
- Complainants receive a timely and appropriate response
- Complainants are told the outcome regarding the investigation of the complaint
- An apology is given if required
- Appropriate action is taken where necessary

Complaints about corporate services which are under the remit of the Department of Communities and Wellbeing are not dealt with through this complaints procedure but through Bury Council's Corporate Complaints Procedure.

## **3. What is a complaint?**

A complaint may be generally defined as an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a Local Authority's adult social care provision which requires a response.

Sometimes people may report that they have 'concerns' regarding a social care service, but often want to avoid making a fuss or a formal complaint. By listening to people voicing their concerns, managers can resolve mistakes faster, learn new ways to improve and prevent the same problems from happening in the future.

The Department encourages customers and their representatives to resolve any concerns they may have at the first point of contact with the service. This should be done by contacting the appropriate Service Manager or Customer Engagement Manager and enables concerns to be resolved informally and quickly without using the formal complaints procedure.

#### **4. Time Limit for making a Complaint**

There is a time limit of 12 months from when the matter being complained about occurred, to when a complaint may be made. After this time, a complaint will not normally be considered. However, the 12 month time limit does not apply where the Local Authority is satisfied that the complainant has good reasons for not making the complaint within that time limit and where it is still possible to investigate the complaint effectively and fairly.

#### **5. Timescales**

If a complaint is received orally and is resolved to the complainant's satisfaction no later than the next working day, there is no need to engage the complaints process, e.g. if a complaint was received from a customer who had not received a telephone call from a member of staff when this had been agreed. If immediate corrective action can be taken and the call is made, the customer is satisfied, then it is not necessary or appropriate for this to be taken as a formal complaint.

Regulation 8 of the Complaints Regulations (2009) provides a direct mandate for this.

Written acknowledgement of a formal complaint will be sent within 3 working days of receipt by staff from the complaints team.

There are no statutory timescales with which the Department must comply when resolving complaints. However, it is acknowledged that when someone has made a complaint, it is important to both them and the Department to resolve the matter as soon as possible in an effective and efficient manner and, wherever possible, to the satisfaction of the complainant. The aim, therefore, is to send a written response to a complaint within 20 working days and the complainant will be advised of this by the Complaints Team. If this is not possible the complainant will be advised of any delay, the reason for the delay and provided with a new response date

## **6. Who can complain?**

Regulation 5 of the Complaints Regulations (2009) requires Local Authorities to consider complaints made by someone who:

- Is receiving or has received services from the Authority
- Is affected, or likely to be affected, by the action, omission or decision of the
- Authority
- A complaint may be made by a representative, acting on behalf of a person who has died, or is unable to make the complaint themselves because of:
  - (i) physical incapacity, or
  - (ii) lack of capacity within the meaning of the Mental Capacity Act 2005, or
  - (iii) has requested that a representative act on their behalf

Appropriate written consent must be provided in these instances.

A complaint by a representative will not be considered if the Authority is satisfied that the representative is not acting in the best interests of the person on whose behalf the complaint is being made. If this occurs, the authority will inform the representative of the reason for this decision in writing.

## **7. What can be complained about?**

Customers (or their representative with required consent from the complainant) are able to use the Health and Social Care Complaints Procedure for any matter reasonably connected with the exercise of an NHS body or the Local Authority exercise of its social care functions. This deliberately allows for complaints about a very wide range of issues. If someone is unsure whether their complaint falls within the scope of the arrangements, the Complaints Department of their local health organisation or Local Authority Social Services Department will be able to provide advice.

## **8. What is excluded from the Complaints Procedure?**

The Health and Social Care complaints arrangements exist to provide a means to express dissatisfaction with services received. The arrangements maintain this principle, but there will continue to be some issues for which they cannot be used.

The arrangements cannot be used by health organisations or Local Authorities against other health organisations or Local Authorities. Similarly, staff working within, or contracted to, those types of organisation cannot use

the arrangements to complain about employment, contractual or pension issues.

The procedure allows a complaint to be investigated even if disciplinary action is being considered or taken against a member of staff, provided the organisation has regard to good practice around restrictions in providing confidential/personal information to the complainant. Although the complaints handling arrangements operate alongside the disciplinary arrangements, the two procedures remain separate.

The Government believes it is important, wherever possible, to ensure the potential implications for customer/patient safety and organisational learning are investigated as quickly as possible, to allow urgent action to be taken to prevent similar incidents arising.

The position in cases where legal action is being taken or the police are involved is slightly different. On receipt of a complaint in these circumstances, the Government expects discussions to take place with the relevant authority (for example, legal advisors, the police, or the Crown Prosecution Service) to determine whether progressing the complaint might prejudice subsequent legal or judicial action. If so, the complaint will be put on hold, and the complainant will be advised of this fact. If not, an investigation into the complaint will take place. Again, the Government believes it is important, wherever possible, to ensure the potential implications for the safety of customers/patients and/or organisational learning are investigated as quickly as possible to allow urgent action to be taken to prevent similar incidents arising.

Also excluded from the arrangements will be complaints:

- That have already been investigated under the complaints regulations,
- Which are being or have been investigated by a Local Commissioner under the Local Government Act 1974, or the Health Service Commissioner under the 1993 Act,
- Arising out of the alleged failure to comply with a data subject request under the Data Protection Act 1998, or
- Arising out of an alleged failure by an English Local Authority or NHS body to comply with a request for information under the Freedom of Information Act 2000

Only complaints in respect of social care issues are subject to this policy.

Complaints which relate to other areas of service and fall under the remit of the Department of Communities and Wellbeing are subject to the Council's Corporate Complaints Policy.

The Customer Engagement Manager is able to advise further on this if required.

## **9. How complaints may be made:**

- By requesting a complaint form which can be obtained from Adult Care Connect and Direct, Manchester Road, Bury, BL9 0DG. This should be completed and returned to the Customer Engagement Manager, Department of Communities and Wellbeing, 3 Knowsley Place, Duke Street, Bury BL9 0EJ. The complaint form is available in other formats for those with a sensory impairment or for those whose first language is not English,
- In writing, to the Customer Engagement Manager, Department of Communities and Wellbeing, 3 Knowsley Place, Duke Street, Bury BL9 0EJ
- By sending an email to [adultcareservices@bury.gov.uk](mailto:adultcareservices@bury.gov.uk)
- By telephoning the Adult Care Services Customer Contact Centre on 0161 253 5151

## **10. Anonymous Complaints**

These complaints fall outside of the scope of the statutory complaints procedure and it is the responsibility of the Customer Engagement Manager to decide what action, if any, should be taken.

## **11. On receipt of a complaint**

The Complaints Team will record the complaint, send a written acknowledgement within 3 working days which notifies the complainant of who will be investigating and sending the written response and the date by which the response should be sent out. Complaints staff will obtain required written consent where appropriate and also keep the complainant informed if there is a delay to the written response being sent, the reason for this and, where possible, confirm a revised response date.

If a member of staff receives a complaint directly and it is not possible for them to resolve the matter simply and quickly (within 24 hours) they should forward the complaint to the Customer Engagement Manager as quickly as possible so the above actions can be implemented.

The complaints team will always seek to resolve complaints and concerns at the earliest opportunity. The focus remains firmly on effective and timely resolution and using outcomes from complaints to improve services.



## **12. Customers with Personal Budgets**

It is important to understand the difference between a complaint about the process used for a personal budget and dealing with problems customers may have with an employee or service provider who they pay using their personal budget.

If there are problems around the employment of a Carer who a customer pays using their personal budget, this is not something the statutory complaints procedure can be used for. However, advice can be obtained from Guidance on Employment and Management Support (GEMS) who can be contacted on 0161 253 7676 or by writing to Bury GEMS at Workforce and Modernisation, Town Hall, Knowsley Street, Bury BL9 0SW.

If problems occur regarding a Provider who customers use and pay for using their personal budget, then the complaint needs to go direct to the Provider involved. They will have their own complaints procedure in place for the customer to request.

However, if a complaint relates to the process undertaken by the Department in assessing a customer's needs and the care management process or the way in which payments are managed by the finance team (in respect of either a customer's or carer's personal budget) then this can be investigated and responded to under the complaints procedure.

## **13. Self funded Services**

With effect from October 2010 adults who fund their own social care have had access to an independent complaints review service provided by the Local Government Ombudsman (LGO). The LGO are able to review complaints about privately purchased care by users, their family or others affected by the actions of a regulated adult care provider.

For more information about this service customers should refer to the [LGO website](#)

## **14. Complaints relating to regulatory standards– Care Quality Commission (CQC)**

Where appropriate the CQC can use their powers of inspection to undertake enquiries to enable them to make a judgement as to whether a provider is complying with the Government's standards of quality and safety. They have no statutory powers to investigate complaints.

Their guidance has 4 main points:

1. The responsibility for handling concerns and complaints about services rests with the provider
2. The commission will consider the fitness of the provider's own procedures for handling concerns and complaints

3. Other procedures may provide a better route for resolving particular kinds of complaint (e.g. the funding Authority's complaints procedure)
4. Safeguarding issues are the responsibility of local authority co-ordinated protection services.

## **15. Co-ordinated Working Across Professional Boundaries**

An important principle behind complaints handling is that all health and social care organisations work together to ensure co-ordinated handling and to provide the complainant with a single response that represents each organisation's final response. Where an organisation receives what appears to be a cross-boundary complaint (i.e. it is from someone who receives both health and social care services), the Government expects that organisation to contact the complainant for their agreement to copy the complaint to the other organisation (s) involved. Bury Council has a local joint protocol in place which enables the Local Authority and the NHS to co-operate and co-ordinate the handling of such complaints, to ensure the complainant receives one co-ordinated response to all the issues of their complaint (**see Appendix 1**)

The local joint protocol outlines the duties of both organisations to:

- Provide the other organisations with information relevant to the complaint which is reasonably requested.
- Agree which of the two bodies will take the lead in co-ordinating the complaint and communicating with the complainant– there are a number of factors involved in making this decision

## **16. Social Care Provider/Voluntary Agency Complaints**

Where the Council has commissioned a service for a customer, the provider will have a complaints procedure of their own, and complainants should first use this procedure.

If a complaint is sent direct to the Adult Care Services complaints section, the Customer Engagement Manager will obtain consent from the complainant for details of the complaint to be sent to the relevant adult social care provider, this will ensure:

- All provider complaints/concerns brought to Bury Council's attention will be logged. Information will be sent to the provider and they will be asked to investigate and respond
- If the complaint is in part the responsibility of Bury Council, the Customer Engagement Manager will notify the complainant which part of the complaint will be handled by the Council.

- The Customer Engagement Manager will work with the relevant social care provider for the purpose of ensuring the complainant receives one co-ordinated response
- If the complainant is not satisfied with the response from the commissioned provider or has valid reason for not taking the complaint to the commissioned provider, the complaint may, at the Customer Engagement Manager's discretion, be taken through the Council's complaints process

## **17. Complaints which involve Safeguarding Adults (Adult Protection)**

There are sometimes occasions when a complaint may highlight a possible safeguarding issue. Bury Council has a zero tolerance approach regarding adult abuse and as such any safeguarding concerns which become apparent through the complaints procedure will be processed through the Safeguarding Adults Protocol.

Such instances will be recorded as a complaint by the Customer Engagement Manager, but will then be referred for safeguarding investigation. If an adult safeguarding investigation is activated then this takes priority and action in relation to the complaint will cease until the safeguarding investigation is complete. The Customer Engagement Manager will inform the complainant in writing in this event.

## **18. Concerns raised by a Councillor or a Member of Parliament**

A Councillor or Member of Parliament cannot make a complaint using the statutory complaints procedure on behalf of their constituent. However, they are able to raise a concern or make a representation on behalf of a constituent. Consideration will be given to data protection prior to feedback regarding individual circumstances. These are logged and recorded in the Annual Complaints Reports as 'Concerns.'

A Local Authority does not generally have to get the express consent of an individual to disclose their personal information to an elected member, as long as:

- the elected member represents the ward in which the individual lives
- the elected member makes it clear they are representing the individual in any request for their personal information to the Local Authority and
- the information is necessary to respond to the individual's complaint

In these circumstances, the individual has provided implied consent to the processing of their personal data that is reasonably necessary to pursue the complaint.

## **19. Persistent and unreasonable complainants**

Despite best efforts to resolve a complaint, people who make complaints can sometimes become aggressive or unreasonable. Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated. Their contacts with Authorities may be amicable but the frequency and extent of contact still place very heavy demands on staff time, or they may be very emotionally charged and this can be distressing for all involved.

On rare occasions, despite best efforts to resolve a complaint, the person making it can become aggressive or unreasonable. There are a number of ways to help manage such situations and the department will give consideration to:

- Ensuring contact is overseen by a manager at an appropriate level in the organisation
- Providing a single point of contact with an appropriate member of staff, making it clear to the complainant that other members of staff will be unable to help them
- Requesting the complainant to make contact in only one way, appropriate to their needs (e.g. by telephone)
- Placing a limit on contact with the complainant
- Restricting the number of calls or meetings the Department will have with the complainant during a set period
- Refusing to register repeated complaints about the same issue

## **20. Investigation, response, closure**

On occasion, it may be necessary for a complaint to be investigated by someone independent of the Department but most complaints will be investigated by someone from within the organisation and who is appropriately trained. As soon as is practicable after completing the investigation of the complaint, the Investigating Officer must send the complainant a written response.

The response should include:

- A statement of the complaint (a summary agreed with the complainant at the start of the process).
- An explanation of how the complaint has been considered.

- What the investigator has taken into account e.g. things the complainant has said, information the investigator has obtained – what and from whom (being mindful of confidentiality), relevant authority policy/guidance, relevant law. The Investigator's decision and the reasons for it. What will happen next, if action is to be taken, how, when and by whom
- An apology if appropriate. If the complainant disagrees, how they can challenge the decision

If the complainant remains dissatisfied with the way their complaint has been handled or the response to it following the investigation, the Customer Engagement Manager will discuss with the complainant a way forward to resolve any outstanding issues. The Customer Engagement Manager will advise the complainant to escalate their complaint to the Local Government Ombudsman if outstanding issues cannot be resolved.

## **21. Local Government Ombudsman (LGO)**

The LGO will normally only consider investigating a complaint after it has exhausted the statutory complaints procedure and the LGO have legal powers to decide whether or not to consider a complaint. There are some things which the LGO does not have the powers to investigate and if they are unable to do so they will tell complainants about other organisations which may be able to help.

Responses to complaints received by the LGO are co-ordinated by the Customer Engagement Manager and the Democratic Services Department.

Actions by the LGO:

- The LGO will conduct an inquiry and ask the Council to provide a brief background to the case, for information about the Council's knowledge and approach to the complaint and any planned actions.
- Following the Local Authority's response the LGO will decide whether or not to investigate further.
- If the LGO decides to investigate, they will advise all parties.
- The LGO may visit the Council to view the records and interview staff.
- The LGO will follow a laid down procedure of formal investigation, produce a report and conclusions, against which there is no right of appeal.

## **22. Advocates**

There is no statutory duty on Local Authorities to provide an advocacy service to complainants. The department can however, where appropriate, facilitate the provision of independent advocacy services and make a referral to such services on behalf of complainants.

With respect to complainants who lack mental capacity (reference Mental Capacity Act 2005), the Department can offer an Independent Mental Capacity Assessor (IMCA). The IMCA service is an independent service whereby an Advocate will provide one to one support for the person lacking capacity, just as a friend or relative would. IMCA services are provided by organisations who are independent from the Local Authority.

## **23. Improving – learning from complaints**

Complaints provide a vital source of insight about people's experiences of health and social care services, and how those services can be improved.

With effect from April 2009 health and social care managers have evidenced how they use feedback to improve care. By working in partnership with those who provide, support and use a service, they use customers' experiences to:

- Identify service problems and make timely improvements to the services provided
- Improve staff learning and enhance professional development.

## **24. Record Management and Data Protection**

All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

## **25. Compliments**

Our aim is to acknowledge and promote all aspects of good practice. All compliments received are recorded on a central database and should always be passed on to the Customer Engagement Manager.

This information is reported quarterly to Senior Management, annually to the Health Scrutiny Committee and is included in the complaints annual report.

## **Appendix 1 Joint Protocol with Health**

This protocol relates to the Pennine Acute Hospitals NHS Trust, Pennine Care NHS Foundation Trust, NHS Bury, Community Services Bury and Bury Council when completing a joint complaint investigation.

### **Protocol for Joint Working on Health and Social Care Complaints**

<b>Main Revisions from previous issue</b>	
<b>Name of Previous Document:</b>	Protocol for Joint Working on Health/ Social Care Services Complaints
<b>Document Number:</b>	EDG015
<b>Version Number:</b>	2
<b>Reason for Revision:</b>	Introduction of Statutory Instrument 2009 No. 309

## **Protocol for Joint Working on Health and Social Care Complaints**

### **Aim**

To provide a framework for responding to complaints delivered by more than one organisation. It is compliant with the [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) brought into force on 1 April 2009, which advocates a single approach to the management of complaints across health and social care.

More information regarding this procedure is available in [Advice Sheet 2, Joint Working on Complaints](#) – an example protocol.

### **Scope**

2.1 This protocol will apply when an organisation receives a complaint which makes reference to a social service provided by Bury Council and a health service provided by NHS Bury, Community Services Bury, Pennine Care NHS Foundation Trust or Pennine Acute Hospitals NHS Trust.

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and The Children Act 1989 Representations Procedure (England) Regulations 2006, make provision for the joint handling of complaints between local authorities and NHS bodies.

If a complaint is made about care delivered by more than one organisation we are required to provide a single point of contact and a single response to the complaint.

### **3.0 Definitions**

NHS body means NHS Bury, Community Services Bury, Pennine Care NHS Foundation Trust or Pennine Acute Hospitals NHS Trust.

3.1 Local Authority Social Services means a social care service commissioned or provided by Bury Council, NHS Bury, Community Services Bury, Pennine Care NHS Foundation Trust or Pennine Acute Hospitals NHS Trust.

3.2 The complaints manager is the person appointed by the relevant organisation to receive and arrange for the investigation of complaints.

### **4.0. Information Sharing**



4.1 Acceptance of this protocol implies agreement to information sharing between agencies within the constraints of the Data Protection Act (1988).

4.2 Subject to seeking legal advice, where appropriate, issues of confidentiality (e.g. between organisations or involving consent from a complainant) will be the responsibility of the complaints manager.

## **5.0 General Principles**

5.1 The lead organisation for investigating and responding to the complaint will normally be the organisation against which the major component of the complaint is made.

5.2 The lead organisation will be responsible for communicating the progress of the complaint to the complainant and, where necessary, obtaining consent from the complainant to extend the response time limit. They will also keep the other agencies informed.

5.3 Organisations will comply with the timescales agreed with the complainant and the organisations cited in the complaint, in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

## **6.0 Process Stage 1 - Local Resolution**

6.1 The complaints manager for the receiving organisation, having sought consent, will initially liaise and discuss the complaint with the complaints manager of the partner organisation. Together, the respective complaints managers will identify which elements of the complaint relate to which organisation and agree a timescale for resolution.

6.2 On receipt of the complainant's consent, the receiving organisation will send a copy of the complaint, in accordance with their local information and security policy, to the other organisation (s) involved, within two working days and will confirm this to the complainant in writing within 3 working days.

The respective complaints managers will arrange an investigation, co-ordinate a response from their services perspective and liaise with each other to agree the final response.

6.4 The non-lead organisation will ensure that its part of the response is agreed with the relevant Lead Director, Executive Director or Chief Executive, in accordance with its own regulated procedures.

6.5 The final response will then be sent to the complainant by the lead organisation signed by their Chief Executive or Executive Director.

6.6 Where a complainant is informed that they will be notified of the outcome of any actions or lessons learned arising from the complaint, the complaints managers involved will agree and identify, at the time of providing the response, the individual responsible for the provision of such information to the complainant.

6.7 Should the complainant wish to meet with the organisations cited in the complaint, the lead complaints manager will arrange the meeting, with the consent of the complainant, in accordance with local policies.

***If the complainant remains dissatisfied:***

6.8 If the complainant remains dissatisfied with the outcome of local resolution, further actions must be agreed with the partner organisations. At this stage the complaint may need to be processed separately depending on the nature and source of the outstanding issues.

6.9 It may also be necessary to offer an independent review of the care/services provided. Should the need arise, this will be organised by the individual organisation responsible for that aspect of care/service provision, in accordance with their local policy.

6.10 The use of mediators/conciliators may be used at any stage of the local resolution process.

**7.0 Stage 2 - Review by the Parliamentary and Health Service Ombudsman or Local Government Ombudsman**

7.1 If a complaint is not resolved locally, complainants have final recourse to the Parliamentary and Health Service Ombudsman or Local Government Ombudsman. The complaints manager of the lead organisation will provide contact details of the Ombudsman to the complainant.

**8.0 Children and Young People's Social Care Complaints**

***Stage 2 – Formal Investigations***

8.1 Under the Social Care Complaints Representations for Children and Young People, if the complainant remains dissatisfied following the joint response, they can, within the prescribed timescales, progress the social services elements of their complaint to Stage 2 of the Social Services Complaints Process.

***Stage 3 - Independent Review Panel***

8.2 If the complainant remains dissatisfied with the response provided to their social service complaint, they can, within 20 working days of the Stage 2 response, request that their complaint be progressed to Stage 3, an Independent Review Panel.

***Social Care – Local Government Ombudsman***

8.3 At the end of the Stage 2 process, should the complainant and the complaints manager agree that further consideration by an Independent Review Panel would not provide a demonstrably different outcome to that reached by the investigation, an early referral to the Local Government Ombudsman can be considered.

Should the complainant remain dissatisfied with the response provided at Stage 3 of the Social Services Complaints Process they can progress their complaint to the Local Government Ombudsman. The complaints manager will provide the complainant with appropriate contact details.

## **Timescales**

Local Authority Social Services and National Health Service Complaints (England) Regulations 2009:

Acknowledgement to the complainant within 3 working days from receipt of the complaint. A written response will be provided to the complainant within a mutually agreed timescale. In the event that the agreed timescale is not met, the lead organisation will liaise closely with the complainant to ensure they are aware of the reasons for the delay and agree a further response date. It is not expected that the complaints process will last longer than six months.

Should this occur, the lead organisation will provide a full review of the complaints process to ensure that all measures have been taken to provide an appropriate response within the agreed timescale.

## **The Children Act 1989 Representations Procedure (England) Regulations 2006**

Acknowledgement within 3 working days from receipt of the complaint.

- Stage 1 - Response within 10 working days from the date of receipt of the complaint. The local authority may extend the period for considering representations under this regulation by a maximum of 10 working days where they consider the representations to be complex.
- Stage 2 – Response within 25 working days. Where it is not possible to complete the investigation and respond within 25 working days, Stage 2 can be extended to a maximum of 65 working days with the agreement of the complainant.
- Stage 3 – Review Panel to be held within 30 working days from the date of receipt of the request and a response to be sent within 15 working days of the Independent Review Panel Hearing.

## **Contact details**

### **Bury Council - Dept of Communities & Wellbeing**

Customer Engagement Manager,  
3 Knowsley Place, Duke Street, Bury, BL9 0DG.  
Tel: 0161 253 5430.

### **Bury Council - Children's Services**

Complaints Co-ordinator,  
3 Knowsley Place, Duke Street, Bury, BL9 0EJ.  
Tel: 0161 253 5652.

### **Local Government Ombudsman Advice Team**

P.O. Box 4771, Coventry, CV4 0EH.  
Tel: 0300 061 0614.  
Fax: 024 7682 0001.  
Text: 'call back' to 0762 480 4299.  
Website: [www.lgo.org.uk](http://www.lgo.org.uk)  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

### **Bury Clinical Commissioning Group**

NHS Bury,  
21 Silver Street, Bury, Lancashire, BL9 0EN.  
Tel: 0161 762 3127.

### **Parliamentary and Health Service Ombudsman**

Millbank Tower, Millbank, London, SW1P 4QP.  
Tel: 0845 015 4033.

### **Pennine Care NHS Foundation Trust**

The Complaints Manager,  
Pennine Care NHS Trust,  
Trust Headquarters,  
225 Old Street, Ashton under Lyne, Lancashire, OL6 7SR.  
Tel: 0161 604 3083.  
Fax: 016 604 3073.

### **The Pennine Acute Hospitals NHS Trust**

The Complaints Manager,  
Complaints Department,  
North Manchester General Hospital, Delaunays Road, Manchester, M8 5RB.  
Tel: 0161 604 5800.  
Fax: 0161 604 4889.

## Flowchart of Complaints Process

### Appendix 2 of Complaints Policy

