

Appendix A

The Local Authority Social Services and NHS Complaints Regulations 2009

[The Local Authority Social Services and NHS Complaints Regulations 2009](#)

introduced a single, more customer focused approach to complaint handling across health and social care. There is a single local resolution stage, in which Medway Council must investigate and resolve the complaint as speedily as possible and in a manner that best meets the needs of the complainant. The legislation stipulates those complaints should be completed within six months from the date the complaint was received. If the complainant is unhappy with the outcome of their complaint, they can make a referral to the LGSCO.

The aim of adult social care is to make sure that local people get the best possible care during the times in their lives when they need help. There may be occasions when things go wrong or when people are unhappy with the service they receive. When this happens people should, and have a right to, complain. The council's complaints arrangements focus on dealing with problems quickly and effectively, putting things right and learning from complaints to improve services.

It is important to reflect on the compliments and thanks received, which provide a valuable insight into the provision of adult social care services. This report highlights some examples of the positive things people have said about the provision of adult social care services, and the professionalism and commitment of staff.

The council uses complaints and compliments as important learning opportunities to make changes and improvements to our services.

Managing complaints

Medway Council's complaint arrangements focus on achieving the best possible outcomes for those making a complaint. The aim is to give the service user answers or an explanation to help them to understand what happened and, where appropriate, an apology and a commitment to learn from any mistakes.

A complainant can make a complaint verbally to any staff member, by telephone, by e-mail or in writing. The Customer Relations Team acknowledges receipt of the complaint within three working days. The Social Care Complaints Manager (SCCM) will determine the most appropriate course of action for resolving the complaint.

For Adult Social Care complaints, there is a one stage process. At any stage of this process, there is encouragement to employ alternative dispute resolution (ADR) approaches to bring matters to a satisfactory conclusion and this option is increasingly used.

Statutory guidelines state that we must respond to Adult Social Care complaints within six months, however, for the purposes of reporting and monitoring, and to provide a satisfactory and reasonable timeline, Medway Council opted to respond to Adults Social Care complaints within 20 working days.

In general, many social care complaints are complex, involving more internal, and sometimes external, liaison.

Timeliness performance in adult services is regularly reported to the Children's and Adults Directorate Management Team (CADMT), to the individual Assistant Director Management teams and to other forums.

The Customer Relations Team issue weekly open case reminders which help Service Managers and complaint handlers to be aware of and manage their cases. Additionally, monthly data reports are shared with Assistant Directors.

Quarterly reports are presented to senior management forums and include case study examples for learning. These reports are compiled by the Social Care Complaints Manager, a post that the council must resource.

If the complainant remains dissatisfied with the outcome of the Medway complaints process and the complainant feels that the complaint has not been resolved, the Social Care Complaints Manager will inform the complainant of their right to complain to the LGSCO and provide the complainant with information on how to complain to them. In dealing with any complaint, the LGSCO will consider how the council has dealt with the complaint, including the reasonableness and appropriateness of the council's decisions.

Appendix C

Role of the Local Government and Social Care Ombudsman

The LGSCO's role is to independently and impartially investigate complaints from members of the public alleging they have suffered injustice as a result of maladministration and / or service failure, and where fault is found, provide recommendations to remedy injustice. It is a free service to the complainant.

The LGSCO can investigate individual complaints about councils, all adult social care providers (including care homes and home care agencies) and some other public service organisations. If it decides to investigate, it looks at whether organisations have made decisions in the right way.

The LGSCO will consider complaints from people whose social care is funded or partly funded by the council and from people who 'self-fund' from their own resources, and it will ensure that everyone has access to the same independent Ombudsman Service, regardless of how the care service is funded.

The Local Government Ombudsman's recommendations aim to put complainants back into the position the complainant was in before the maladministration or injustice occurred.

The LGSCO additionally offers a range of guidance and focus reports to support complaint handling and to raise awareness and learning of national issues, including; [Principles of Good Administrative Practice](#), [Managing unreasonable actions by complainants](#), [Guidance on Remedies](#), [Focus Reports and Good Practice Guides](#), and [guidance for Councillors and MPs](#).