



COMMUNITY WELLBEING AND SOCIAL CARE DIRECTORATE

Director of Adult Social Care & Housing Needs
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Isle of Wight Council Adult Social Care

Complaints Policy

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1. Document Information

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Version History		
Version	Date	Description
V0.1	December 2015	Initial draft
V0.2	December 2015	2 nd draft created with Georgina Carter
V0.3	January 2016	3 rd draft includes Safeguarding Enquiries if Safeguarding concerns are highlighted and a section on how to complain about a Social Care Provider or Residential Homes and amendments by Debbie Morris.
V0.4	January 2016	Amendments made by Debbie Downer, Georgina Carter and Catherine Smith-Ivory on 21/01/16

V0.5	February 2016	Includes comments from Roger Merry, Legal Services and a section on habitual and vexatious complainants
V1.0	9 th March 2016	Approved by Helen Miles in Legal Department 18/02/16. Martin Elliott signed off 22/02/16. Members of the Adult Social Care Leadership Group agreed policy 09/03/16.
V1.1	Oct-Nov 2016	Included a section on refreshed Appeals Process.
V1.2	November 2016	Amendments made by Helen Miles.
V2.0	March 2018	V2.0 replaced v1.2, Nov 16 policy. Minor amendments made by Helen Babington to Section 11. Agreed by Roger Merry 09/03/18.
V3.0	March-April 2019	Annual update. Amendments by Helen Babington. Amendments approved by Helen Babington 28/03/19.
V4.0	April 2020	Annual Review. Updated contact details and text in sections 6, 7, 8 and 14.
V4.1	April 2021	Annual Review. Updated text section 8.
V4.2	April 2022	Annual Review Updated weblinks following go-live of iwight.com beta website.
V4.3	April 2023	Annual Review. Updated weblink on iow.gov
V4.4	April 2024	Annual Review.

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3. Purpose, scope and aims

This policy explains how the Isle of Wight Council ('the council') investigates and manages adult social care complaints, what people can do if they are unhappy about any aspect of adult social care services and what the council will do to resolve the complaint. This policy is aimed at good practice guidance and supporting staff to deal with complaints in ways which are demonstrably consistent and fair, and which comply with legislation and best practice.

The council is concerned about the quality of care people receive and is always striving to maintain high standards of social care with continuous review of everything it does. However, it knows there may be times when people are not satisfied with the standard of service they receive.

People have the right to be provided with a full and comprehensive response on behalf of the Director of Adult Social Care to any genuine complaint (subject to receiving relevant consent, if applicable). Therefore, the council will fully investigate complaints and keep the person informed about the progress of the investigation.

This policy is an important and visible sign that the council listens and values feedback and strives to improve services. This policy recognises the statutory duty placed on the council by the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

This updated policy came into effect on 1 April 2024 and replaced policy v4.3 dated April 2023.

4. What is a complaint?

The Isle of Wight Council defines a complaint as *"an expression of dissatisfaction or concern by the public about the standard of service, conduct, actions or lack of action by the Isle of Wight Council or its staff"*.

If people are dissatisfied or have concerns about the standard of any adult social care service, action or lack of action or its staff, there is a formal complaints process.

Please note that this policy is not intended for cases where the council has taken a decision in a proper manner but with which the person disagrees.

5. Who can complain?

A complaint about any aspect of adult social care services can be made by a person, or with their permission, an appropriate representative such as a relative or carer. When a complaint is made on behalf of someone else, a consent form must be completed unless the person making the complaint has evidence that they hold Lasting Power of Attorney or Court-appointed Deputyship for Health and Wellbeing and/or Property and Finances, depending on the nature of the complaint.

If the person to whom the complaint refers lacks capacity to make their own decision,

formal consent must be gained from their Lasting Power of Attorney or Court-appointed Deputy.

The council will only accept complaints from a representative under certain conditions, either:

- when the person has consented, either verbally or in writing
or:
- when the person cannot complain unaided and cannot give consent because they lack capacity within the meaning of the Mental Capacity Act 2005,
and
- when the representative is acting in the person's best interests: for example, where the matter complained about, if true, would be detrimental to the person.

Complaints that are made anonymously cannot follow the formal complaint process. However, the details will be taken and passed to the relevant service lead or through the safeguarding process to investigate.

When things go wrong, we aim to put things right quickly.

People can make a complaint if the council:

- does something wrong.
- fails to do something it should have done.
- does something it should not do.
- provides a poor standard of service.

Complaints which are unclear or very general may be difficult to investigate and the council may ask the person to provide more information.

If a complaint relates to services provided by more than one responsible body, the different organisations must co-operate with each other in handling the complaint to make sure that the complainant receives a coordinated response. Each responsible body must provide the other(s) with relevant information and attend at any meetings which are reasonably required.

6. How to make a complaint

- submit a complaint [online](#).
- complete a [complaint form](#) and send it to the address below.
- write a letter for the attention of the adult social care complaints team addressed to the Isle of Wight Council, County Hall, High Street, Newport, IW, PO30 1UD.
- telephone the adult social care complaints team on 01983 823340.
- email the adult social care complaints team ascfeedback@iow.gov.uk

Please note face to face meetings must be pre-booked. An appointment to meet with the adult social care complaints team can be arranged by telephoning 01983 823340.

If a person makes a complaint, they:

- will not suffer any penalty or discrimination as a result.
- will have their complaint acknowledged, taken seriously, and investigated.
- will receive a reasoned courteous and honest response.
- can expect the council to try to understand things from their point of view.

If a person feels they may require advocacy support to make their complaint, the council will discuss with them how best to access this support from an independent agency if it is appropriate to their needs.

To enable the council to consider a complaint and to be clear about appropriate resolutions, we ask the person (also referred to in this policy as the 'complainant') to:

- tell us clearly what has gone wrong with as much information as possible.
- give us the information we may ask for.
- tell us what they would like us to consider doing to put things right.
- make any special requirements they may have known to us as soon as they can.
- remain calm and treat our staff in a courteous way.
- remember that we are trying to help.

The time limit for making a complaint must be no later than 12 months after the date the event occurred. The final decision will be made by the nominated complaints officer.

The time limit may not apply if the council is satisfied that:

- the complainant can give a good reason for not making the complaint within that time limit, and
- despite the delay, it is still possible to investigate the complaint effectively and fairly.

7. Habitual complaints / unacceptable complainant behaviour

A very small minority of people make complaints that are habitual, and they may display unacceptable behaviour in doing so, i.e., they persist unreasonably with their complaints, or make complaints in a manner which is deemed unacceptable. The nature and/or frequency of contact with the council can hinder the ability of staff to provide a quality service to other people or may cause staff intolerable levels of stress.

It may therefore be necessary to address unacceptable behaviour by restricting contact with the council in these situations.

We will treat people in a considerate and polite way, and we ask that people behave in the same way towards council staff.

Details of how the council will deal with habitual complainants and / or unacceptable complainant behaviour are detailed in the [Corporate Complaints Policy](#) and the [Corporate Unacceptable Behaviour Policy](#).

8. Services delivered by third party providers on behalf of the council

People may wish to make a complaint about a service which is being delivered by a third-party provider on behalf of the council, for example a residential or nursing care home, a social care provider or an advocate (this list is not exhaustive).

In the first instance, the person should contact the third-party provider to raise their concerns. However, if the third-party provider fails to respond satisfactorily, the person can complain to the council who will then pursue the complaint on their behalf.

9. What happens and how long will it take?

Ideally complainants should raise their concerns at the time with their social care worker, or as quickly as possible after the event, so the matter is fresh in everyone's mind and can be addressed as soon as possible and without the need for a formal process.

All complaints will be investigated and responded to by a person with sufficient seniority to resolve the issues.

Any social care worker will listen to concerns/complaint and wherever possible they will try to initially resolve those concerns informally within 24 hours. This will allow the complaint to be dealt with by social care staff who know the person and/or their family well and are in the best position to resolve concerns quickly.

If the issue cannot be resolved within 24 hours, the complaint will be forwarded to the nominated complaints officer by the social care worker. The nominated complaints officer will record the complaint and instigate the formal process.

The adult social care complaints team will acknowledge receipt of the formal complaint within three working days, detailing the fundamental areas of the complaint. If we need to clarify any detail of the complaint, we will contact the complainant to listen to what they have to say and understand what their concerns are. We will then agree the statement of complaint with them.

Complainants can usually expect a full response to their complaint within 25 working days from agreement of the statement of complaint. However, if the complaint is of a

complex nature or needs further investigation or responses from other agencies, the council may have to extend this deadline. The council will notify the complainant in writing if an extended timescale to respond is required.

Complainants will receive (so far as is reasonably practical):

- assistance to enable them to understand the complaint procedure.
- advice where they may obtain such assistance (please see section 10 below).
- an acknowledgement of the complaint within three working days.
- a coordinated response (if the complaint involves more than one provider/commissioner of services).

If the complainant is unhappy with the formal written response, they must outline the areas they are dissatisfied with and inform the adult social care complaints team within 14 days of receipt of the complaint response.

The council may then consider offering a resolution meeting with the aim of bringing the matter to a satisfactory close. In some circumstances a meeting of this kind may be beneficial to help communication and understanding of complex and emotive subjects.

If the complainant does not wish to take part in a resolution meeting or, after the meeting they are still unhappy, they still have recourse to the Local Government and Social Care Ombudsman (the 'LGSCO') (see section 14 below).

If no further response from the complainant is received within 14 days of the formal written response, the complaint will be closed.

It remains at the discretion of the nominated complaints officer to use mediation at any point of the formal complaints process if this would support resolution of the issues complained of. The council will discuss this with the complainant, if appropriate.

10. Appointing an independent advocate

An advocate is a person who supports people and helps them to explain and say what they want. They help the person to ensure that their views are heard, so that their problems can be sorted out and that includes helping people to make a complaint. The duty for adult social care services to involve the person concerned applies to all settings; those living in the community, in care homes and in prisons.

To facilitate the full involvement of the person, the local authority should first meet its duty under the Equality Act by ensuring reasonable adjustments are made to reduce or remove any substantial difficulty a person may have, which may include the appointment of an independent advocate.

Therefore, if a person qualifies under certain aspects of the Care Act, Mental Health Act, or the Mental Capacity Act they can have access to help from an

independent advocate. A social care worker will identify whether a person meets the qualifying criteria to appoint an independent advocate.

Please refer to the council's [Appointing Independent Advocates Policy](#).

11. A complaint will not be investigated under the following circumstances

- cases where other rights of appeal exist (e.g., the adult social care appeal process – see section 13 below).
- routine requests for service (e.g., request for an assessment), unless such a request has been dealt with improperly or with undue delay.
- cases where an immediate response can be given (usually within 24 hours).
- cases where a person is challenging a decision which, although is not the one they wanted, it has been arrived at properly.
- cases which are being investigated by or need to be referred to the adult safeguarding team. Safeguarding concerns will always take priority over the complaint (**see note below*).
- where legal proceedings are already underway, or are commenced after the complaint is submitted, in which event the complaint will not be progressed until those legal proceedings are complete.

If a complaint is not accepted, the council will explain the reason in writing to the complainant.

**NOTE* Safeguarding concerns will immediately be referred to the adult safeguarding process for those enquiries to take precedence. Safeguarding will then follow its own process. Details of the [Safeguarding Adults Multi Agency Policy](#). Receiving a complaint will not stop or delay safeguarding enquiries, which will always take priority.

The person will be informed of the action taken and advised that they may pursue any complaint once the safeguarding enquiries are complete. The complaint process may be temporarily paused or closed depending on the circumstances. The nominated complaints officer remains mindful of developments, liaises closely with other staff involved in the safeguarding enquiry, and may then recontact the complainant afterwards, if appropriate to individual circumstances.

12. The Equality Act (2010)

The Equality Act 2010 applies to the way complaints procedures are followed. If someone has a disability and that makes it very difficult for that person to use the complaints procedure, then the responsible body has a duty to make reasonable adjustments to the procedures to assist that person access the complaints service. A reasonable adjustment might be providing complaints information in a larger font or identifying an advocate to support a complainant who has a mental health condition (see disability discrimination under the Equality Act 2010).

13. Appeals process

An appeal is a request for a review of a decision(s) taken by the council about, for example, a Care Act Assessment, a financial assessment, a personal budget funding allocation or a care plan. It is one of several ways to deal with concerns or complaints.

Any person who is already receiving social care support, or to whom the council have a duty to provide support to, or who is acting as their representative (e.g., carer, relative or advocate) can make an appeal.

The following are examples of matters which can be dealt with in the adult social care appeal process:

- eligibility status
- final decision response to one or more of the questions in a Care Act Assessment
- indicative budget allocation
- limitations within a care plan
- changes to the level of care and support
- financial assessment and contribution to care costs

If a person disagrees with a decision made about their adult social care needs, finances, or a decision taken about their care plan, they can appeal by completing the [Appeal Form](#). The appeal form should be completed and returned to the council within 10 working days of the decision being made.

If preferred, the person can call adult social care on 01983 823340 and it will send an appeal form to them in the post.

If a person needs help to make an appeal, they can contact their social worker who will help find an advocate if this is appropriate. This could be a family member, a friend, or if this support is not available, someone independent.

If a person wants to make a complaint about another concern they should use the [complaints procedure](#).

14. The Local Government and Social Care Ombudsman (LGSCO)

If a person remains unhappy with the outcome of the complaint or the appeal, they can pursue their dissatisfaction by asking the Local Government and Social Care Ombudsman (LGSCO) to review the complaint or the appeal.

The ombudsman investigates complaints and appeals in a fair and independent way - it does not take sides. It is a free service.

The ombudsman expects the person to have given the council chance to deal with the complaint or the appeal before they contact them. If the ombudsman has not heard from the council within a reasonable time, it may decide to investigate the complaint or appeal anyway.

The Local Government and Social Care Ombudsman is the final stage for complaints about councils and some other organisations providing local public services. It also investigates complaints about all adult social care providers (including care homes and home care agencies) for people who self-fund their care.

Please note that on occasion there are complaints the LGSCO cannot or will not be able to investigate. In such circumstances, the LGSCO will explain clearly if this is the case, and the reasons why this decision has been given.

You can contact the Local Government and Social Care Ombudsman as follows:

Website: www.lgo.org.uk Telephone: 0300 061 0614

Their opening hours are Monday to Friday: 10am to 4pm (except public holidays).

The above information can also be found in adult social care compliments feedback and complaints guidance, and is also available as an [easy read](#) version.