

Adult Social Services Complaints Policy

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Introduction

In Carmarthenshire County Council (the Council) the adult social services complaint process is governed by the Social Services (Complaints Procedure) (Wales) Regulations 2014 (the regulations) and Welsh Government's A guide to handling complaints and representations by local authority social services (the guidance). It is therefore not the intention of the Council therefore to simply reiterate within this policy that which is contained within the regulations and guidance. Instead, this policy intends to address issues which are not directly referenced.

For ease of reference this policy refers to those issues by subheadings.

Please note that this policy only applies to those complaints which fall within the above-mentioned legislation and guidance. All other complaints will be dealt with via the corporate complaints policy.

Anonymous Complaints

As a general rule the Council will not accept complaints that are anonymous, if it is not possible to satisfy itself that the person making the complaint is either the person who appears to have care and support needs or a representative of them.

Additional Timescales

As already set out in the regulations and guidance the council must acknowledge a complaint within 2 working days and thereafter must usually complete the stage 1 resolution process within 10 working days. However, there will be circumstances where issues need to be resolved before these timescales engage. An example of this where the complaint is brought on behalf of the person receiving care and support and steps need to be taken to establish whether the person receiving care and support has mental capacity to make the complaint, and if so whether they want the complaint to proceed and the person making the complaint to represent them. In such circumstances these initial enquiries are not included within the statutory timescale.

Similarly, whilst the regulations and guidance specify that local authorities should usually only accept complaints brought within 12 months of the issue complained of occurring or the person becoming aware of the issue, there is no guidance on the timescale within which a complainant can choose to take a matter from stage 1 to stage 2 of the complaints process. Given the 12-month timescale specified the Council will not accept requests to go to stage 2 which are more than 12 months after the complainant was informed of the outcome of the stage 1 local resolution stage of the complaints process.

Private Providers

Where the local authority commissions a private care provider to discharge its responsibilities to meet a person's eligible care and support needs, then if the person receiving that service wish to raise a complaint about that provider then the Council is ultimately responsible for that complaint. It is appreciated that private providers are

required by the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 to have their own complaints process. However, where the complaint relates to a service commissioned by the Council the private provider will be expected to comply with this policy and the regulations and guidelines, particularly (although not limited to) as it relates to timescales.

Stage 2 Independent Investigators

The local authority will commission an independent investigator to address all complaints dealt with at stage 2. An independent investigator is defined as ‘a person who is neither a member nor officer of the local authority to which complaints have been made, or the spouse or civil partner of such a person but does include a person with whom the local authority has entered into a contract for services in order to conduct an investigation’ (as stated in Regulation 2 of the Social Services (Complaints Procedure) (Wales) Regulations 2015). As result, whilst the local authority does pay its investigating officers for the work they undertake in relation to complaints investigations they are not employees of the local authority. The local authority will not employ as an independent investigator any person who has been an employee of Carmarthenshire County Council within the last 5 years. The local authority can however use a person who works for another local authority to undertake a complaints investigation.

As part of those arrangements the local authority will enter into an agreement, via a standard letter of instruction, with each respective independent investigator, which will set out amongst other things the standards expected of the investigator such as compliance with the guidance and regulations, compliance with data protection legislation and investigator’s responsibility for ensuring safe and secure disposal of all confidential records obtained for the purposes of the investigation.

There may be occasions where there is a delay in identifying an independent investigating officer who has capacity to undertake the stage 2 complaint. In such circumstances the local authority will write to the complaint and explain the issue with a view to extending the 25 working day response timescale.

Accountability

Carmarthenshire County Council is very keen to learn from the outcomes of its complaints, as well as general trends with complaints e.g., number of complaints received. In order to monitor complaints, the local authority operates a complaints audit group which aims to meet every quarter. That audit group then reports its findings to the Communities Directorate Corporate Management Team, who in turn report the findings to the Council’s Scrutiny Committee on a half yearly basis. The council will also aim to arrange periodic lessons learned workshops for staff to feedback on any trends emerging from the complaints process.

Training of Staff undertaking Stage 1 Complaints

All social work staff will be offered training on the social services complaints process. Further, the council has prepared a checklist for stage 1 responses to aid staff undertaking stage 1 complaints to ensure that they have complied with all respective requirements as laid out in the regulations and guidance.

Ombudsman

On rare occasions where complaints cannot be resolved at stage 1 or 2 of the social services complaint's procedure, a complainant will exercise their right to complain to the Public Services Ombudsman for Wales. In such circumstances the social services complaints team will liaise with the Ombudsman through the Contact Officer, who is currently the Practice Support Manager in Legal Services.