



Pembrokeshire County Council Social Services Complaints and Compliments Policy

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1. Introduction

- 1.1 Pembrokeshire County Council is committed to dealing effectively with and learning from any concerns, complaints or compliments you may have about Social Services.
- 1.2 Our aim is to listen to the voice of the service user through complaints, compliments and suggestions and to use this feedback to improve our services and outcomes for our customers. In this document, the term 'complaint' refers to a concern, a representation or a complaint. The term 'Social Services' refers to Children's Services (Children's and Schools Directorate) and Adult Care (Adult Care and Leisure Directorate).
- 1.3 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.
- 1.4 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*.
- 1.5 This policy also encompasses the requirements of the Children Act 1989 and the Adoption Of Children Act 2002, and is issued in accordance with Section 7 of the Local Council Social Services Act 1970.

2. Our Commitment

- 2.1 Our key objectives when dealing with complaints and compliments are to:
 - Resolve complaints to your satisfaction as quickly as possible.
 - Learn from our mistakes and any positive feedback you give to continually improve our services.
 - Where possible, put right any mistakes we have made.
 - Give you an explanation where there may have been a misunderstanding or a breakdown in communication.
 - Provide any service to which you are entitled to which we have failed to deliver.
 - Apologise if we get something wrong, and where possible try to put things right.
 - Deal with you in an open and honest way.
 - Tell staff and their managers if they are doing something well so we can look at using that way of working elsewhere.
 - Give you full assurance that your dealings with us in the future won't be affected just because you have raised a concern or made a complaint.

3. Have you asked us yet?

- 3.1 If you are approaching us for a service for the first time then this policy does not apply. You should first give Social Services an opportunity to respond to your request. If you make a request for a service and then are not happy with our response, you will be able to make your concern known as we describe below.

4. When to use this policy:

4.1 Compliments and Comments

- 4.1.1 If you are pleased with a service you have received from Social Services or the way that we have dealt with you then please tell us so that we can learn from this and copy the way of working elsewhere.

- 4.1.2 Any compliments can be sent to:

Principal Policy Officer, Chief Executive's Office, Pembrokeshire County Council, Haverfordwest, SA61 1TP or e-mail to:

compliments@pembrokeshire.gov.uk

You can also send us any compliments via our e-form at:

www.pembrokeshire.gov.uk Click on 'Your Council' and then 'Compliments and Comments' and follow the instructions on screen.

- 4.1.3 If you have an idea for how we can do things better then please tell a member of staff or the Data Protection and Complaints Officer so that we can look into your idea or suggestion.

- 4.1.4 All compliments are recorded centrally and we report regularly on the feedback given to senior managers and, on an annual basis, to Local Members.

4.2 Making a complaint - who can complain?

- 4.2.1 Any member of the public, including a child who has received, or was entitled to receive a service from social services can make a complaint.

- 4.2.2 Any member of the public, including a child who has suffered due to the inappropriate action of social services can make a complaint.

- 4.2.3 If you are unable to make a complaint yourself, you can give your consent to allow another person to make a complaint on your behalf.

- 4.2.4 A representative can make a complaint on a person's behalf where that person:
- is a child; or
 - has requested that a representative act on their behalf; or
 - lacks capacity within the meaning of the Mental Capacity Act 2005; or

- has died.

4.2.5 Children in need, looked after children and care leavers have a right to receive assistance from an independent advocate when making a complaint. We will advise all children who meet the above criteria and/or their parent/guardian about the advocacy service and how to make contact or, make this contact on your behalf if you choose. Please see section 16.3 for further information.

4.2.6 Any representative making a complaint on another person's behalf without their express consent must be considered to have sufficient interest in that person's welfare and be a suitable person. The Data Protection and Complaints Officer will determine the eligibility of a person to act as a representative where express consent has not been given by the service user.

4.3 What can people complain about?

4.3.1 We take all complaints seriously. If, as a customer of social services, you are not happy with the way you have been dealt with, we want you to tell us so that we can, where possible try to put things right.

4.3.2 You may want to complain if you think that:

- We have not treated you fairly or politely.
- We have not done something or provided a service that we should have.
- We have done something we should not have done.
- We have done something badly.

4.4 What is not a complaint under this policy?

4.4.1 The matters listed below will not be looked into as a complaint under the policy. If we consider a concern you have raised with us is not a complaint then we will write to you and tell you why. If there is another process through which you can raise your concern then we will advise you how to do this wherever possible.

The following will not be dealt with as complaints under this policy:

- A first request for service.
- A request for a formal review or appeal against a decision or determination where there is another procedure for bringing this request forward.
- A means to seek a change to legislation or policy and/or a complaint about a decision that has been made in-line with a published policy, procedure and/or legislation. A means for lobbying groups/organisations to seek or promote a cause.
- A complaint that has already been considered under this or a former complaints procedure.
- A complaint which is being or has been investigated by the Public Services Ombudsman for Wales.

- A complaint that is made orally, and is resolved to the satisfaction of the person making the complaint, by the end of the working day following the day on which the complaint was made.
- A complaint made from an organisation or individual that is not receiving a service from Social Services and is not acting on behalf of a service user.

4.4.2 If you have a suggestion that does not fall within this complaints policy but you feel would help to improve our service then you can make this known to the Data Protection and Complaints Officer. They will then pass this suggestion onto the service area manager for consideration.

4.4.3 This policy does not apply to complaints about the following areas of our service. In these circumstances, you should contact:

Freedom of Information – Information Governance and FOI Officer

Tel: 01437 775798.

E-mail: FOI@pembrokeshire.gov.uk

Data Protection – Data Protection and Complaints Officer

Tel: 01437 775503

E-mail: DataProtection@pembrokeshire.gov.uk

Schools - the Headteacher of the relevant school

Local Members/County Councillors — Claire Jones, Monitoring Officer

Tel: 01437 776564

E-mail: Claire.Jones@pembrokeshire.gov.uk

Welsh Language Complaints – where there is a complaint about the way the Council has applied their Welsh Language Scheme.

NB: Complaints from individual social services customers about the Welsh Language will be investigated through this policy.

Data Protection and Complaints Officer

Tel: 01437 775503

E-mail: DataProtection@pembrokeshire.gov.uk

4.5 Complaints about the outcome of Child Protection Conferences

If you want to complain about the outcome of a Child Protection Conference i.e. the decision to register or not to register a child, you need to first raise your complaint with the chair of the conference. If your complaint cannot be resolved by the Chair, it will be referred to the Regional Safeguarding Children's Board who will set up an appeals panel.

The panel can make a decision to re-hold a conference with a different chair. They cannot decide whether to remove or include a child on the Child Protection Register.

If you are not happy with the outcome of the panel then you should raise your complaint with the appropriate agency to investigate through their complaints procedure. For example, if your complaint is about the Chair's actions during the conference then this would be investigated by the Council as the Chair's employer through the stages listed in point 7 and 8 below.

If you are unsure who to refer your complaint to or would like further information then the Data Protection and Complaints Officer will be happy to advise you.

4.6 Concurrent Investigations

4.6.1 If there are other matters subject to consideration at the same time you make your complaint the Local Authority will not consider your complaint under this policy if this would prejudice the conduct of these proceedings or investigations:

These matters include:

- If the complainant indicates in writing that they are taking or intend to start legal proceedings;
- if the Local Authority is considering legal proceedings, for example, care proceedings or Court of Protection proceedings;
- the Local Authority is taking or planning to take disciplinary proceedings against a staff member;
- the Local Authority is aware that a prosecuting authority – for example the police or the Care and Social Services Inspectorate for Wales – is investigating with a view to a criminal prosecution.

4.6.2 Should we decide not to consider your complaint for any of the above reasons we will notify you in writing. We will explain the reason for our decision.

4.6.3 You are able to re-submit your complaint no later than six months after the concurrent investigation has been completed. In certain circumstances we may decide to notify you once the concurrent investigation has been completed.

5. Acceptable time-scales for making a complaint

5.1 Normally, we will only be able to look at your complaint if you tell us about it within 12 months. This is because it's better to look into your concerns while the issues are still fresh in everyone's mind.

5.2 In exceptional circumstances we may be able to look at concerns which are brought to our attention later than this. However, you will have to give us strong reasons why you have been unable to bring it to our attention earlier and we will need to have sufficient information about the issue to allow us to consider it properly.

5.3 There may be reasons why the Council will not, or cannot consider your complaint under this policy (e.g. if there are court proceedings in relation to your concerns, or if the complaint identifies a safeguarding issue). It may be the case that when these

proceedings have concluded we may be able to look at your complaint at this point. If this is the case, the Complaints Officer will explain why and confirm the decision in writing.

6. How to make a complaint

6.1 You can make a complaint in any of the ways below:

6.1.1 Contact the Data Protection and Complaints Officer:

Tel: 01437 775503

E-mail: socialcarecomplaints@pembrokeshire.gov.uk

Write to us at:

Complaints Officer

Room 2G

County Hall

Haverfordwest

SA61 1TP

6.1.2 You can also visit our website at www.pembrokeshire.gov.uk/complaints

6.1.3 If you would like to communicate with us via e-mail we will need to provide you with a secure password over the phone. This will make sure that any personal or confidential information that we send via e-mail is done securely.

6.1.4 You can complete one of the forms available with our Social Services Complaints Factsheet. The factsheet can be found at all Council buildings and other public buildings throughout Pembrokeshire and on our website at: www.pembrokeshire.gov.uk/complaints. Alternatively please contact the Data Protection and Complaints Officer who will send you out a copy.

6.2 Copies of this policy and the complaint form and factsheet can be made available in other formats if required (e.g. audio, large print etc). Please ask the Data Protection and Complaints Officer if you require a copy of this policy in a different format and we will be happy to provide this for you.

7. Stage 1 of the Complaints Process - Local resolution

7.1 If possible, we believe it's best to try and resolve complaints as quickly as possible. If you have a complaint, raise it with the person you are dealing with. He or she will try to resolve it for you there and then.

7.2 If we are unable to resolve your complaint immediately, we will acknowledge your complaint within 2 working days and we will tell you who we have asked to look into your complaint. We will set out to you our understanding of your complaint and ask

you to confirm that we have got it right. We will also ask you to tell us what outcome you are hoping for.

- 7.3 We will firstly offer you the opportunity to discuss your complaint with an appropriate manager from social services within 10 working days of receiving your complaint. We will then confirm the outcome of this discussion with you in writing, usually within a further 5 working days.
- 7.4 If it is not possible to provide you with a full response within 15 working days, we will contact you to discuss the reason for the delay.
- 7.5 We will normally communicate with you in the same way you have contacted us, unless you say differently or we have good reason not to do so. Please let us know if you have any particular requirements – for example, if you have a disability.
- 7.6 Occasionally, we might suggest mediation or another method to try to resolve disputes. We aim to resolve all complaints at this Local Resolution Stage wherever possible.
- 7.7 If you are a child or young person making a complaint we will offer to put you in touch with an advocate to help make your complaint known to us. An advocate is a person who is independent to the Council. They can help put forward your complaint, wishes and feelings to the Council and support you to get things resolved (see Section 16 for further information and contact details).
- 7.8. Some adults may also qualify for advocacy support. The Complaints and Data Protection Officer will be happy to give you advice on this. (see Section 16 for further information and contact details).

8. Stage 2 of the Complaints Process - Formal complaints

- 8.1 If your complaint has been considered at the Local Resolution Stage of the complaints process and you remain dissatisfied with the outcome, you may ask for the complaint to be investigated by a person who is independent of the Council.
- 8.2 We will compile a written record of your complaint and the outcomes you are seeking and send this to you for your agreement within 5 working days of receiving your complaint or your complaint moving to the formal investigation stage. We will also send you a consent form asking for you to agree to share your personal information with the Independent Investigator (see 8.4 below).
- 8.3 You will need to sign and agree your areas of complaint and consent form and return by post or e-mail to the Information Governance and Complaints Team – relevant contact details will be given to you together with the above forms.
- 8.4 We will commission someone from outside the Council to conduct the investigation. This person is referred to as an Independent Investigator.

- 8.5 The Independent Investigator will interview all parties and produce a report of their findings. The findings from the report will be provided to the person making the complaint. As a consequence of this report the head of the service concerned will provide the complainant with a written response to the report which will include their summary and details of any action to be taken.
- 8.6 In the case of a child, 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.
- 8.7 If you are a child or young person making a complaint we will offer to put you in touch with an advocate to help make your complaint known to us. An advocate is a person who is independent to the Council. They can help put forward your complaint, wishes and feelings to the Council and support you to get things resolved (see Section 16 for further information and contact details).
- 8.8 The date on which the content of the complaint and outcomes is agreed by both the Council and the complainant will be the start date for the complaint (see 8.2 above).
- 8.9 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 you and explain why, giving you an indication when you can expect to receive a response. In any event, a response to your complaint must be provided within 6 months.
- 8.10 Whilst it is recommended that you try to resolve your complaint through the Local Resolution Stage at first, you have the right to ask for a complaint to be considered at this formal stage from the outset.

9. The outcome to your complaint

- 9.1 Following the investigation of your complaint, we will let you know what we have found using your preferred form of communication (e.g. by letter or email). For all formal investigations, an Independent Investigator will produce a longer report which, in the majority of cases, is shared in full with the complainant.
- 9.2 If we find that we got it wrong, we will tell you what errors were made and how it happened.
- 9.3 If we find there is a fault in our systems or the way we do things, we will tell you what it is and how we plan to change things to stop it happening again. If we got it wrong, we will always apologise.

10. Putting things right

- 10.1 If we didn't provide a service you should have had, 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 you have lost

out as a result of a mistake on our part we will try to put you back in the position you would have been in if we had got it right.

- 10.2 If you had to pay for a service yourself, when you should have had one from us, or if you were entitled to funding you did not receive, we will usually aim to make good what you have lost.

11. Learning lessons

- 11.1 We take your concerns and complaints seriously and try to learn from any mistakes we have made.
- 11.2 Our senior management team considers a periodic summary of all complaints and a monthly report is sent to the Heads of Service for Children's Services and Adult Care. Details of lessons learned from complaints are also included in an Annual Report which is shared with Cabinet on an Annual basis. Copies of Annual Reports are also published on our website at www.pembrokeshire.gov.uk/complaints.
- 11.3 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 you know when the changes we have promised to make have been implemented. These action plans will usually look at how we can improve services to make sure that a similar issue does not happen again to the complainant and to other service users.

12. Confidentiality and protecting information

- 12.1 All complaint information is processed in line with the Data Protection Act 1998. Written information on your complaint is kept separately from your care management records.
- 12.2 If you make a complaint to us then we will share details of your complaint with relevant departments and teams within the Council to help us get it resolved.
- 12.3 Where appropriate we will share details of any children's services complaint with the Independent Reviewing Officers (IROs) if they are involved with you or your child.
- 12.4 If we need to share details of your complaint with persons or organisations outside of the Council i.e. independent investigators, the Local Health Board etc, then we will always ask your permission before doing this.
- 12.5 All Council staff are bound by rules of confidentiality. Independent Investigators and Independent Persons are asked to sign a Data Processing Agreement which says how they will process your personal data securely.

- 12.6 Information gathered and processed during the complaints procedure will be handled in accordance with the council's Data Protection Policy. It will only be shared with parties subject to, directly involved with or who have a professional interest in the outcome of the complaint.
- 12.7 Complaint details and records will be stored in-line with the Council's Records Management Guidance.

13. Complaints about more than one body or organisation

- 13.1 If your complaint covers more than one body (e.g. if the complaint is about both the Local Council and Health Board) we will usually work with them to decide who should take a lead in dealing with your concerns. You will then be given the name of the person responsible for communicating with you while we work with the other body to respond to your complaint.

14. Complaints about organisations working on behalf of the Council

- 14.1 If your complaint is about a body or organisation working on the Council's behalf (e.g. agency care workers, private residential homes) you may wish to raise the matter informally with them first. We are happy to assist you to do this or to contact the organisation on your behalf if you would prefer. If you are not able to resolve the complaint to your satisfaction with the organisation we will then follow the steps in point 7 and 8 above to investigate the complaint on your behalf.

15. Public Services Ombudsman for Wales

- 15.1 If we do not succeed in resolving your complaint, you may complain to the Public Services Ombudsman for Wales. The Ombudsman is independent of all government bodies and can look into your complaint if you believe that you personally, or the person on whose behalf you are complaining:
- (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.
- 15.2 The Ombudsman expects you to bring your concerns to the Council's attention first and to give us an opportunity to put things right.
- 15.3 You can contact the Ombudsman 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

- 15.4 There are also other organisations that consider complaints. For example, the Welsh Language Commissioner can deal with issues about services in Welsh. We can advise you about such organisations.

16. Further help and support

- 16.1 Our staff will aim to help you make your concerns known to us. If you need extra assistance, we will try to put you in touch with someone who can help.

16.2 Older Persons

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

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: 08000 223 444

16.3 Advocacy services for Adults and Children

- 16.3.1 An advocate is a person independent to the Council who can support you to make your wishes and feelings known to us. Most children who have received a service from social services and some adults may qualify for help to bring a complaint forward through the assistance of an advocate.

- 16.3.2 For advocacy services for children & young people please contact:

Meic Cymru
Phone: 080880 23456
Website: www.meiccymru.org

Or
Tros Gynnal Plant's Mid & West Wales Advocacy
Phone: 0800 085 8471
Email: midandwestwales@trosgynnal.org.uk
Website: www.trosgynnal.org.uk – Contact form available

16.3.3 For advocacy services for adults please contact:

Dewis CIL

Phone: 01646 629 123

Email: advocacy@dewiscil.org.uk

Website: www.dewiscil.org.uk/advocacy

16.3.4 You can also ask the Data Protection and Complaints Officer at Pembrokeshire County Council for more information and help to put you in touch with advocacy support.

16.3.5 Children and young people can also contact the Children's Commissioner For Wales:

Freephone: 0808 801 1000

Text: 80 800 and start your message with COM

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

17. What we expect from you

- 17.1 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 you are making. We do not view behaviour as unacceptable just because someone is forceful or determined.
- 17.2 We believe that all complainants have the right to be heard, understood and respected. However, we expect you to be polite and courteous in your dealings with us. We will not tolerate aggressive or abusive behaviour, unreasonable demands or unreasonable persistence.
- 17.3 We have a separate policy to manage situations where we find that someone's actions are unacceptable. Details of our 'Unacceptable Actions by Complainants Policy' can be found on our website at www.pembrokeshire.gov.uk/complaints or a copy can be sent to you on request.