

# REPORT FOR DECISION

<b>Agenda Item</b>	
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<b>DECISION OF:</b>	<b>Cabinet</b>
<b>DATE:</b>	<b>22 August 2012</b>
<b>SUBJECT:</b>	<b>Complaints Policy</b>
<b>REPORT FROM:</b>	<b>Cabinet Member for Adult Care, Health and Housing</b>
<b>CONTACT OFFICER:</b>	<b>Heather Crozier, Head of Customer Services</b>
<b>TYPE OF DECISION:</b>	<b>EXECUTIVE KEY DECISION</b>
<b>FREEDOM OF INFORMATION/STATUS:</b>	This paper is within the public domain
<b>SUMMARY:</b>	A Social Care Complaints policy for Adults based on the statutory guidance issued by the Department of Health. The aim of the policy is to provide guidance to the public and staff on the process used when a complaint regarding adult social care services is received.
<b>OPTIONS &amp; RECOMMENDED OPTION</b>	The Adult Care Services Complaints Policy is implemented with effect from 1 <sup>st</sup> September 2012.
<b>IMPLICATIONS:</b>	
<b>Corporate Aims/Policy Framework:</b>	Do the proposals accord with the Policy Framework?      Yes
<b>Statement by the S151 Officer: Financial Implications and Risk Considerations:</b>	There are no increased financial implications in that any expenditure incurred in the development and implementation of the policy will be met from within existing resources.
<b>Statement by Executive Director of Resources:</b>	There are no wider resource implications.
<b>Equality/Diversity implications:</b>	This policy is advantageous to everybody that accesses Adult Care Services as responses will be used to improve services. The Equality Analysis (attached) indicates a particularly positive effect on the following groups: <ul style="list-style-type: none"> <li>• Race</li> <li>• Disability</li> </ul>

	<ul style="list-style-type: none"> <li>• Carers</li> <li>• Age</li> </ul> <p>The following stakeholder groups have been engaged:</p> <ul style="list-style-type: none"> <li>• Working Carers Group</li> <li>• Disabled Employees Group</li> <li>• LGBT staff group</li> <li>• BADDAC</li> <li>• Bury LINK</li> <li>• Bury Third Sector Development Agency</li> </ul> <p>Comments on the policy and subsequent implementation will be considered and the policy updated accordingly.</p>
<b>Considered by Monitoring Officer:</b>	Yes
<b>Wards Affected:</b>	All
<b>Scrutiny Interest:</b>	An annual report on complaints received by Adult Care Services is submitted to scrutiny each year

**TRACKING/PROCESS**  
**Care Services**

**DIRECTOR: Executive Director of Adult**

Chief Executive/ Strategic Leadership Team	Executive Member/Chair	Ward Members	Partners
Scrutiny Committee	Committee	Council	

**1.0 BACKGROUND**

Adult Social Care complaints are required to follow a statutory process as set in SI. 309 – The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. To assist in the effective and efficient handling of such complaints, it is good practice to have a policy and procedure that is current, comprehensive and accessible – as well as being compliant with the law.

Bury Adult Care Services receives around 150 complaints per annum. Whilst relatively small in number, it is important that customers have confidence in the system and the ability to express dissatisfaction – particularly where there has been a breakdown in service. The fact that these individuals can be some of the most vulnerable in the Borough makes it even more important that we are aware of – and work to put right – aspects that are not working for local people.

## 2.0 ISSUES

Health and social care structures are undergoing significant change which has resulted in the existing information becoming dated. The attached policy reflects operational changes within health and social care but also takes the opportunity to provide clearer guidance to the public on the handling of complaints and refocus efforts towards early resolution.

Accompanying the policy is a formal requirement for third parties who take up a complaint on behalf of others (including MPs and councillors) to demonstrate that they are acting in the full knowledge and with the agreement of the complainant. This addresses concerns over the disclosure of personal and confidential information to third parties – satisfying data protection demands whilst allowing for legitimate representation.

## 3.0 RISKS

Revising the policy brings no new risks. Complaints will continue to be handled in line with the statutory guidance. Failure to change presents more of an operational and reputational risk from customers finding it difficult to access the complaints process or information being disclosed without consent.

The department is well aware of the additional access problems that people with sensory and learning disabilities face. Work has therefore been undertaken with disability groups, as reflected in the Equality Analysis, to ensure that the information satisfies the needs of different client groups.

## 4.0 CONCLUSIONS AND RECOMMENDATIONS

Adult Social Care is subject to a statutory complaints procedure which is adhered to by the council. Given the changing health and social care landscape the local approach needs to be updated to ensure an effective service that is easily accessible. The policy also takes the opportunity to strengthen data protection and promote the early resolution of complaints.

It is recommended that this policy is adopted with an effective implementation date of 1<sup>st</sup> September 2012.

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**List of Background Papers:** Complaints Policy (including flowchart, Equality Analysis and consent form)

- Complaints Policy
- Complaints Policy Equality Assessment
- Consent Form Guidance
- Consent Form for Elected members

### Contact Details:

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