



## **Adult Social Care Complaints Policy**

Version	1.
Date Effective	1 April 2025
Review Date	1 April 2026

## **1. Introduction**

The Royal Borough of Kingston upon Thames (the Council) acknowledges that sometimes things go wrong and when this happens, we will be accountable, apologise and put things right.

This policy explains the way in which representations made about the Council's Adult Social Care services will be addressed under The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. The services to which this policy applies are social care services to:

- Older people and / or people with a physical disability
- People with a learning disability
- People with mental health needs and / or a neurodiversity
- Other adults with care and support needs who receive or have attempted to access a service

### **1.1 Our aims**

The Council provides a range of services and on occasion, things go wrong and customers may be dissatisfied and wish to complain about the service they have received. The Council aims to:

- Put the service user, and/or their representative, at the centre of efforts to resolve the issues they have raised.
- Ensure that representations or complaints are dealt with in a way that is clear and open.
- We will consider the needs of the complainant and/or service user/carer into account in determining the method of addressing their concerns.
- Be flexible in the way the complaint is handled and it will be determined by the nature of the complaint and views of the complainant.
- Be accessible, accessing the complaint function should be easy especially for those who may find it more difficult to use the process.
- Ensure complaint handling is timely.
- Be resolution focussed at all points through the process.
- Ensure complaints are dealt with fairly and impartially.
- Ensure that all those involved in the process are dealt with dignity and respect.
- Ensure that complaints drive learning and improvements.
- Resolve matters locally and as quickly as possible by being open, accountable and outcome focused.
- Take account of the guidance issued by the Ombudsman when deciding on appropriate remedies.

The policy reflects the requirements of the Equalities Act 2010 and the Council will make reasonable adjustments to this policy to avoid or correct the disadvantage to a person with a disability.

## **2. Complaints definition**

Effective complaint handling enables residents to be heard and understood. The starting point for this is a shared understanding of what constitutes a complaint.

The definition of a complaint is:

*“an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals.”*

The definition of a service request is:

*“a request that the organisation provides or improves a service or fixes a problem”.*

The Council sees complaints as an opportunity, as such staff (officers) are encouraged to actively identify issues. A resident does not have to use the word ‘complaint’ for it to be treated as such.

Whenever a customer expresses dissatisfaction, the Council will give them the choice to make a complaint. If a complaint is submitted via a third party or representative, it will also be handled in line with this policy, as long as the correct permissions are given.

A complaint will be raised when the customer expresses dissatisfaction with the response to their service request, even if the handling of the service request remains ongoing. The Council will not stop their efforts to address the service request if there is a complaint.

Some of the things that can be complained about are:

- poor-quality care
- fees and charges
- poor complaint handling
- delays
- assessments of need
- safety and safeguarding

## 2.1 Exclusions

The Council will accept a complaint unless there is a valid reason not to do so. However, there may be areas where the council is unable or limited in what it can do to investigate. For example:

- The issue giving rise to the complaint occurred over twelve months ago (The Council will consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so).
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.
- Matters that have previously been considered under the complaints policy.
- Complaints that fall outside our jurisdiction.
- Complaints by another responsible body i.e. local authority or NHS body.
- A complaint by a prospective employee or employee of a local authority or NHS body about any matter relating to that employment.
- A complaint which is made orally; and is resolved to the complainant's satisfaction not later than the next working day after the day on which the complaint was made.
- A complaint the subject matter of which is being or has been investigated by a Local Commissioner under the Local Government Act 1974(1); or a Health Service Commissioner under the 1993 Act.
- [Appeal a decision about your financial assessment](#). There is a process to follow if you disagree with the outcome of your financial assessment.
- A complaint arising out of the alleged failure by a responsible body to comply with a request for information under the Freedom of Information Act 2000, these would be for the Information Commissioner's Office (ICO).

Please note this list is not exhaustive, complaints will be dealt with on a case by case basis.

If the Council decides not to accept a complaint, a detailed explanation will be provided setting out the reasons why the matter is not suitable for this complaints process, and the Council will clearly communicate the right to take that decision to the Local Government and Social Care Ombudsman (LGSCO). If the LGSCO does not agree that the exclusion has been fairly applied, the LGSCO may tell the Council to take on the complaint.

The Council reserves the right to use discretion when applying the policy and may deal with a complaint differently where individual circumstances merit it. Discretion will be applied fairly and appropriately and complaints will be progressed as far as possible to maximise the opportunity to resolve a dispute.

### 3.0 Accessibility and awareness

We acknowledge that some people need help to make a complaint and as such, we will normally accept complaints made on behalf of someone who is unable to do so themselves or has asked for a representative. However, for reasons of customer confidentiality, the Council will not accept complaints from one person on behalf of another unless:

- The person is unable to make the complaint themselves because of
  - physical incapacity;
  - or lack of capacity within the meaning of the Mental Capacity Act 2005
  - or has requested the representative to act on their behalf.

The Council must be satisfied that the representative is acting in the service user's best interests – for example, where the matter complained about, if true, would be detrimental to the service user.

We will assist customers in the most appropriate way to resolve their issue. In line with equality legislation we will provide reasonable assistance or adjustments to enable a complaint to be made in a fair and equitable way. Some customers with disabilities may choose to use other methods to make a complaint.

The Council takes its duties under the Equality Act 2010 seriously and will anticipate the needs and reasonable adjustments of residents who may need to access the complaints process by recording and reviewing any reasonable adjustments made, ensuring that the complaints policy is available online, in hard copy and via other formats.

Customers may wish to seek advice from local organisations that can help in finding professional advice or an advocate who can aid in the resolution of disputes:

- [Kingston Advocacy](#), if you have a learning disability, mental health issue, or other vulnerability, or you help someone who does
- [Cambridge House](#), if you have a learning, physical or mental health condition
- [search for advocacy groups on Connected Kingston](#)

Complaints can be made in any format and to any member of staff, these will be passed to the Customer Care team for action.

Customers may also want to refer to the Government's policy paper [Adult social care: quality matters](#) to help make a complaint.

### 4.0 Complaints Process

We want to address something that may have gone wrong as quickly and fairly as possible and we will always try to do that first, without making a customer go through the complaints process. However, there is a formal complaints process where this is necessary.

Complaints can be made in any format including:

- Online complaint [form](#)
- In writing by email to [crm.complaints@kingston.gov.uk](mailto:crm.complaints@kingston.gov.uk) or Letter to the Customer Care Team, Guildhall 2, High Street, Kingston, KT1 1EU
- By telephone 0208 547 5000
- By appointment in person or online by contacting the Customer Care Team on the details above

Where a complaint is made orally, the Council will make a written record of the complaint and provide a written copy of the complaint to the person complaining or their representative for confirmation and approval.

#### **4.1 Handling anonymous complaints**

Anonymous complaints will be considered on a case by case basis as to the substance of the complaint, especially where an anonymous complaint might relate to a vulnerable person who might be at risk. If a customer has concerns about giving their name, they can speak to a member of the Customer Care team who can answer questions about how the complaint will be handled.

Should there be any safeguarding concerns these should be reported via the following links rather than via a complaint [Adult Safeguarding](#)

#### **4.2 Reporting a quality of care concern**

The Council has also made a way for people to tell us about their care via the [Public concerns form](#). This form is confidential and the Council will talk to the staff member or their manager about the concerns raised. We will not mention your name or give your details to the care provider unless you say that we can.

If the service needs more details from you, they will contact you because they may need to know more about the concern, in order to make it better. You will be contacted as soon as possible once there is an answer from the service, and at least within one month. If you have not heard from us in one month, please email [QAInbox@Kingston.gov.uk](mailto:QAInbox@Kingston.gov.uk)

There is also an [easyread form](#) to tell us if you are worried about your care. If you need support to fill in this form, you can get an advocate to help you.

You can contact Cambridge House on [imca@ch1889.org](mailto:imca@ch1889.org) or telephone 020 7358 7007 (9am to 5pm Monday to Friday).

When we get this form, we will talk to the support staff or service. If we need more details from you we will contact you. We will not say your name to your support staff or service unless you say it is okay.

We will contact you as soon as we have an answer from the service. It will be within one month. If you have not heard from us within one month, please email [QAInbox@Kingston.gov.uk](mailto:QAInbox@Kingston.gov.uk)

### 4.3 How we will deal with your complaint

There is a one stage process for managing these types of complaints.

We will acknowledge the complaint in writing not later than three working days on which it is received (the working day it is received), this will include a reference number and an initial 25 working day timescale which, if the complaint is complex or covers several areas, can be extended to 65 working days. However, we will tell you if we think this is likely to be the case.

Stage	Timescale	Action
Acknowledgement	3 working days	The initial assessment of the complaint is carried out by the Customer Care team.
Complaint Investigation and Response	25 working days	A service manager will investigate the complaint.  The response time can be extended up to 65 working days if the complaint is complex.
Local Government and Social Care Ombudsman (LGSCO)	At any time up to 12 months from the date you first became aware of the issue.	You can contact the LGSCO at any time for advice in making your complaint.  If you are not satisfied with the response from the Council you can contact the LGSCO and escalate your complaint to them for investigation.

If contact details have been provided, the person complaining will be telephoned or written to with an offer to discuss the complaint, the investigation timeline and any other issues or concerns that might be relevant.

If the offer of a discussion is not accepted, the Council will confirm the understanding of the details of the complaint in writing.

The complaint will be investigated and responded to by a manager within the section that the complaint relates to. If the complaint is about the manager, a more senior member of the management team will investigate and respond to the complaint.

The complaint response will give:-

- an explanation of how the complaint has been considered
- the conclusions reached in relation to the complaint
- any learning and remedial action as a result of the complaint
- details of the complainants right to take their complaint to the LGSCO

If there is any reason why the complaint investigation and response cannot meet the relevant timescale, the investigating manager will notify the person complaining, explaining the reason/s why and provide an updated timescale.

The investigating officer will provide the LGSCO's contact details when an extension is used.

#### **4.4 Contracted / Commissioned Services**

Adult Social Care is increasingly working with the independent sector in commissioning services for our service users. When people have concerns about the services that have been commissioned, they will have the same rights and standards in getting those concerns addressed as users of in-house services.

Therefore, the Council will remain responsible for ensuring that any commissioned services have robust complaints procedures in place.

#### **4.5 Monitoring**

Records will be kept of each complaint received, the outcome of each complaint, and whether there was compliance with the time limits defined in the 2009 Regulations.

A report will be compiled and published annually at the end of each financial year which will:

- Detail the number of Adult Social Care complaints received
- Detail the number of complaints the Council upheld
- Give details of the number of complaints which were referred to the LGSCO
- Summarise the subject matter of complaints received
- Summarise any matters of general importance arising from complaints or the way in which complaints were handled.
- Any learning as a result of complaints

## **5. Local Government and Social Care Ombudsman (LGSCO)**

A complainant has the right to access the LGSCO at any time throughout the complaints process. However, the LGSCO will not usually investigate a complaint whilst it is going through the internal complaints process, but the Ombudsman may be able to help assist with reaching an early resolution.

You can refer your complaint to the LGSCO at any time, or [read their advice and guidance about making a complaint](#).

Following the completion of the Council's internal complaints process, those complaining are entitled to refer their complaint to the LGSCO if they remain unsatisfied with the Council's response.

### **Local Government and Social Care Ombudsman**

**Tel:** 0300 061 0614

**Website:** [Complaint Form - Local Government and Social Care Ombudsman](#)

**Post:** Local Government and Social Care Ombudsman, PO Box 4771, Coventry, CV4 0EH

**Email:** [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

## **6. Managing Unacceptable Behaviour**

We have a responsibility to protect and ensure all our publicly funded resources are used appropriately. In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably towards staff for example or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues. These actions can occur either while their complaint is being investigated, or once the complaint investigation has concluded.

Our procedures for managing unreasonable behaviour ensure all complaints are dealt with in an open, fair and proportionate way but to protect our staff and our

resources. A link to our procedure on Managing Unreasonable Behaviour can be found [here](#)

Any restrictions placed on a resident's contact due to unacceptable behaviour will be appropriate to their needs and will demonstrate regard for the provisions of the Equality Act 2010. The Council is committed to ensuring that disabled people are not disadvantaged in accessing its services. To this end, we will make reasonable adjustments for disabled people and those with support needs in applying this policy and our complaints process.

## **7. Commitment to confidentiality**

All complaints will be dealt with in accordance with the requirements of the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018. The identity of the person making a complaint will be made known only to those who need to know in order to consider the complaint and will not be made public by the Council. The Council aims to be open and honest in its responses to complaints but sometimes it is necessary to maintain confidentiality.

We will collect sufficient information for us to investigate and respond to the complaint. The Council works in partnership with other councils and organisations to deliver services, and it will sometimes be necessary to share information with those partners in order to resolve the complaint. We will share the minimum amount of information necessary for that purpose. For further details as to how the council processes your personal information, please see the council's corporate and service specific Privacy Statements via the website [privacy notice](#)

## **8. Complaints where Discrimination is alleged**

The Equality Act 2010 provides a legal framework to protect the rights of individuals and advance equality of opportunity for all. It offers protection, in employment, education, the provision of goods and services, housing, transport and the carrying out of public functions.

Protection from unlawful discrimination is provided by the Equality Act in relation to the following protected characteristics:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion and belief

- sex
- sexual orientation

The complaints function cannot determine if the Council has breached the Equality Act as this can only be done by a court of law. However, it can make decisions about whether or not the Council has properly followed due process and taken account of an individual's rights in its treatment of them.

The Equality Advisory Support Service (EASS) can offer advice to people who may feel they have experienced discrimination [EASS](#)