
**COUNCIL OF THE ISLES OF SCILLY**

**Guidance to the Statutory Adult Social Care Complaints Procedure**

**The Local Authority has a duty to ensure that any individual (or appropriate person acting on their behalf) who wishes to make a complaint about the actions, decisions or apparent failings of a local authorities’ social care provision have access to the appropriate Adults social care statutory complaints procedure.**

**Adults Social Care services complaints are governed by The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This legislation allows individuals to start the process at option 2 which is the independent stage of the complaints process; this is why Adults complaints are referred to as options.**

**Do not worry about speaking up if you are unhappy. Adult Social Care want to put things right for you as quickly as possible.**

**Who can make a complaint?**

You can make a complaint to Adult Care and Support if we:

* have done an assessment with you
* give you a service
* give you a direct payment or individual budget

**Getting help with your complaint**

You don’t have to be alone when you make a complaint. You can choose someone you know to speak for you if you want to. You can also have an advocate who is trained to help people give their views.

If you need help making your complaint, we can provide support.  Please contact us for details.

Please address your complaint to:

Complaints Manager, Council of the Isles of Scilly, Town Hall, St Mary’s, Isles of Scilly, TR21 0LW

Telephone: 0300 1234 105 Email: enquiries@scilly.gov.uk with ‘Complaint’ in the subject heading.

 **The Statutory Complaints Procedure**

The procedure for investigating complaints consists of two stages.

First of all if you have an adult social worker it is best to talk to them. This is called informal resolution.

There are two other ways to sort out your complaint. These choices are called options.

• Option 1 – Local Resolution • Option 2 – Investigation by an Independent Person

 (If the Complaints Manager believes that it would not be appropriate to consider the complaint at Stage 1 a decision can be made to move the complaint directly to Stage 2).

Both of these options will be offered to you – if we do not hear back from you within 5 working days we will follow Option 1 as default.

 **Option 1 – Local Resolution**

The Complaints Manager will confirm receipt of all complaints in writing within two working days and enclose a copy of the guidance to the statutory complaints procedure.

The Complaints Manager will send a copy of the complaint to the local manager responsible for investigating the complaint and a copy to their line manager. The local manager will send a written response to the complainant within 10 working days. They may need to contact the complainant to request an extension from the 10 working days deadline to the permitted 20 working days deadline. The local manager may also wish to speak with the complainant to clarify details of the complaint, obtain additional information if required and to establish the complainant’s desired outcome.

If the complainant has requested an advocate, the timescales for the Stage 1 process begins once the advocate has met with the complainant and confirmed their concerns to the complaints team.

A formal response, in writing, to the complainant is then made by the local manager. If the complainant remains dissatisfied, on receipt of the Stage 1 response, they should write to the Complaints Manager within 20 working days. The complainant should advise the Complaints Manager which issues remain unresolved and what outcome they are seeking.

**Option 2 – Investigation**

The Complaints Manager will arrange for an Independent Person (details regarding the role of the Independent Person (IP) can be provided on request) to investigate the complaint. The IP will ensure that the details of the complaint and the complainant’s desired outcome are recorded in writing and agreed with the complainant.

At the conclusion of their investigation the IP will produce a report of their investigation and findings with a senior manager from Adult Social Care – this is called the Independent Review Team. This report is then adjudicated on by the Director of Adult Social Services or nominated representative who will meet with the Review Team.

The purpose of adjudication is for the Local Authority to consider the report and identify its decision and any action to be taken on each point of complaint. The Adjudicating Officer will write to the complainant with their response to the report, including their decision on the complaint and actions they will be taking with timescales for implementation. This normally takes 25-65 days, the process in concluded when the Adjudicating Officer writes to the complainant about how Adult Social Care will sort out the complaint.

*The Council of the Isles of Scilly has a small Adult Social Care team – if there is a conflict of interest or a duplication of roles, the Council will organize additional resource to review the complaint. This will be discussed with the complainant*.

**The Local Government Ombudsman**

Complainants may contact the Local Government Ombudsman **at any stage of their complaint**. However, the Ombudsman will usually recommend the complaint is initially pursued via the Local Authority’s Complaints Procedure.

Contact details: Local Government Ombudsman PO Box 4771 Coventry CV4 0EH

Phone: 0300 061 0614 Fax: 024 7682 0001

Complainants who wish to make an electronic complaint can visit the LGO website and use their online form [www.lgo.org.uk/making-a-complaint](http://www.lgo.org.uk/making-a-complaint)

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