

CALDERDALE COUNCIL COMPLAINTS PROCEDURE, APRIL 2016

COMPLAINTS PROCEDURE

STAGE 1 PROBLEM SOLVING

All complaints received by staff should be sent to the Complaints and Compliments Unit for recording prior to being allocated to an investigating officer.

All complaints should be investigated as close as possible to their source by the appropriate manager by talking over the complaint with the complainant and with staff, gathering any information needed and coming up with a solution. The majority of complaints are resolved at this point and a successful outcome prevent the complaint escalating and provide a more satisfactory outcome for the complainant. Complainants have the right to request their complaint go to a Stage 2 Formal Investigation at the outset or during a Stage 1 investigation if they so wish.

PROCEDURE

1. Complaint details are logged with the Complaints and Compliments Unit and an acknowledgement sent within 2 working days.
2. The complainant will be informed in writing of who will be investigating their complaint as soon as possible.
3. Copy of the complaint and monitoring form will be sent to the investigating officer.
4. A 'complaint notification memo' will be sent to the Head of Service, appropriate Principal Officer, involved Social Workers, for information of all new complaints. The memo also acts to inform staff that the investigating officer may need to interview staff that the memo was circulated to and see service user's files that the Social Worker may have on the service users. If the memo has not included a staff member which the investigating officer needs to interview, the investigating officer should inform that member of staff them self.
5. Complaints should be resolved within the 10 working days timescale. If delayed, a new timescale should be agreed with the complainant and the Complaints Unit informed.
6. A response letter from the investigating officer should be sent to the complainant detailing the outcome.
7. A copy of the response letter and completed monitoring form is sent to the Complaints and Compliments Unit as soon as possible. This information enables complaint tracking and used as a key performance indicator for Children's Social Care Services.
8. The Investigating Officer keeps the complainant and Complaints and Compliments Unit informed if unable to meet the given timescale, giving reason for delay. Agree new timescale with the complainant and relay this to the Complaints and Compliments Unit.
9. When timescale exceeded a 'Complaint Overdue' memo will be sent to the investigating officer and Service Manager at regular intervals from the Complaints and Compliments Unit.
10. A status report on ongoing/overdue complaints is sent to the Head of Care Services on a monthly basis.

COMPLAINTS PROCEDURE

STAGE 2

FORMAL

Formal complaints include:

- Those complaints that cannot be resolved at the problem solving stage
- Those that the complainant wishes to have formally investigated from the outset

Formal complaints are investigated by an Independent Investigating Officer with a standard 25 working days timescale. It is the Investigating Officer's responsibility to keep complainant and Complaints Unit informed if there is to be a delay to the investigation timescale, giving reason. A new timescale should be agreed with the complainant, informing the Complaints Unit, and the complaint must be closed within 3 months.

It should be stressed that, while it is understood that staff have heavy burdens of work and that involvement in a complaint investigation is time-consuming, it is imperative that we strive to work to the 25 working days timescale.

In addition to the Investigating Officer the Authority must appoint an 'Independent Person'. The Independent Person's role is to work alongside the Investigating Officer to ensure that the process of the investigation has been carried out thoroughly and objectively.

PROCEDURE

1. The Complaints and Compliments Unit will log and acknowledge receipt of the complaint in writing within 2 working days.
2. The Complaints and Compliments Unit will appoint an Investigating Officer and an Independent Person and send relevant complaint details.
4. The Complaints and Compliments Unit will inform the complainant in writing of the names and the roles of the Investigating Officer and Independent Person.
1. The Complaints and Compliments Unit send (via e mail) a complaint notification memo to the Head of Early Intervention and Safeguarding and Service Manager/Team Manager for information. The memo asks for their assistance to inform appropriate involved staff members should the Investigating Officer/Independent Person require access to case files and/or interview members of staff.
5. The investigation should start with a discussion between the complainant and the Investigating Officer to:
 - clarify the complaint and its background
 - gather information
 - identify the desired outcome
2. An investigation report should be prepared by the Investigating Officer. The investigation report should be written in a format that is suitable for both complainant and staff to read outlining the complaint, desired outcomes, conclusions and recommendations to for consideration by the Head of Early Intervention and Safeguarding .

3. The Investigating Officer/Complaints and Compliments Unit will ensure the Independent Person receives a copy of the investigation report.
4. The Independent Person will prepare their report and forward to the Investigating Officer and Complaints and Compliments Unit.
5. Copies of the above reports will be forwarded to the Adjudicating Officer.
6. A meeting will be arranged by the Complaints and Compliments Unit to include the Complaints Manager, Investigating Officer, Independent Person and Adjudicating Officer (Head of Early Intervention and Safeguarding or Principal Officer).
At this meeting the following will be decided:
 - The content of the Adjudicating Officer's letter of response
 - The action to be taken on the recommendations
 - Whether any part of the investigation report contains information which must not be disclosed to the complainant or staff members
 - Whether any detail needs to be seen by the Legal Section first
 - How to inform staff involved of the outcome of the complaint and recommendations
 - The Action Plan requirements to address the recommendations
17. The Adjudicating Officer will respond by letter directly to the complainant regarding the investigation report. This response should be sent within the 25 working day timescale by recorded mail service.
18. The response letter should include a standard paragraph informing the complainant of their right to progress to Stage 3 of the Complaints Procedure (within 20 working days of receipt of stage 2 response letter) if they are not satisfied with the stage 2 response. A copy should be sent to the Complaints and Compliments Unit for monitoring purposes.
20. If the complainant does not make contact, the Complaints Unit will close the complaint after 20 working days.
23. The Complaints and Compliments Unit will arrange for the complaint to be considered by a Review Panel at Stage 3 of the Complaints Procedure if that is the complainant's wish.

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STAGE 3 REVIEW PANEL

If the complainant is dissatisfied with the outcome of their complaint at the formal investigation, stage 2, they have 20 working days in which they may request a Complaints Review Panel. The Complaints and Compliments Unit have 30 working days in which to make arrangements.

At a Review Panel the complaint, the investigation and outcomes are considered by an Independent Chairperson and two Independent panel members. The complainant, the Investigating Officer, the Independent Person and the Adjudicating Officer will also attend.

The complainant may submit a statement to the Complaints and Compliments unit to be forwarded to the Review Panel Members for consideration prior to the meeting.

The Complaints and Compliments Manager is present at the meeting to assist with information and take a record of the decisions and recommendations made by the panel.

The complainant is encouraged to bring a supporter with them who may speak on their behalf. The complainant or their supporter is entitled to speak both first and last.

The Review Panel will make their recommendations within 5 working days of the meeting and these will be sent directly to the complainant and Director.

The Director will write to the complainant within 15 working days of receipt of the recommendations. The response will detail the recommendations made and any actions to be taken. Correspondence to the complainant will be sent using the recorded mail service.

If the complainant remains unhappy with the response to the complaint they then have recourse to the Local Government Ombudsman.