

15. Complaints about the Safeguarding Decision Process

15.1 Introduction

There is a single complaints policy “[Making Experiences Count](#)” for Rochdale Adult Care and the NHS Heywood, Middleton and Rochdale Clinical Commissioning Group, which can be found on www.rochdale.gov.uk

This means that if a complaint involves two or more organisations, the person complaining should receive one co-ordinated response.

15.2 Who may make a complaint?

A complaint can be made by anyone who is subject to a safeguarding process. A complaint may also be made by anyone who has applied for or is in receipt of a service, including a carer, or a person acting on their behalf. No service will be delayed, withdrawn or suspended because a complaint has been made. The focus of the complaints policy is to achieve the best outcome for both the individual concerned and the service and every complaint should be seen as an opportunity to make care better.

15.3 Complaints

Complaints may relate to the following:

- The quality or appropriateness of a service;
- Delays in decision-making or the provision of a service;
- Failure to deliver a service;
- Attitude or behaviour of staff;
- Application of eligibility or assessment criteria.
- Failure in safeguarding processes.

This list is not exhaustive; however the complaints procedure does not apply where:

- The complaint is about the actions of another local authority or an independent provider;
- The complaint is about a Court decision;
- The complaint has already been considered and investigated;
- The complaint is in relation to an event that occurred more than 12 months before (although there is a discretion to extend this time limit for example where there are good reasons why the person was not able to bring the complaint earlier);

- The complaint should be dealt with under court proceedings, criminal proceedings, disciplinary proceedings, grievance proceedings or an application to a tribunal (for example in relation to a decision made by an Approved Mental Health Practitioner).

If the complaint is in relation to someone involved in a Managing Allegations process, the individual should raise the complaint with the organisation conducting the investigation.

Should the complaint be in relation to the Allegations Management Lead or processes, the [Making Experiences Count Policy](#) would be followed.

For complaints that do not relate to Health or Social Care the [Corporate Complaints Policy](#) applies. The Councils' Customer Feedback Team can provide support to help direct the complaint.

15.4 Giving People Support and Advice when they complain

There are many reasons why someone might need support to complain (e.g. disability, language, age) and there are a number of services that help. The Rochdale Council Customer Feedback Team can provide advice and support to people who receive services and their representatives. The Team can be emailed at feedback.council@rochdale.gov.uk or contacted by phone on 01706 923537.

Advocacy must be provided to help people who will have a substantial difficulty in making a complaint and to provide support during the investigative process.

15.5 Action to be taken on receiving complaints about the Safeguarding Process

Any person expressing a concern about a service should be listened to, so that the nature of the complaint is properly understood and wherever possible the issue causing concern can be quickly resolved. The initial contact the service has with a person who is unhappy with the service they have been given is key. If it is clear that a person wishes to make a complaint about the safeguarding process, this should be passed to the relevant agency's Safeguarding Lead.

Where a quick resolution is possible without further investigation, this should be done so long as the complainant is happy with this outcome and there are no risks to others using services.

15.5.1 Complaints about Health and Adult Care, including safeguarding enquiries

If any person does not feel able to raise his or her complaint with the Appointed Safeguarding Adults Manager within Adult Care, they may contact the Rochdale Council Customer Feedback Team directly.

After receiving a complaint where a quick resolution is not possible within 24 hours, the Rochdale Council Customer Feedback Team should be notified within one working day and the complaint should be acknowledged within 3 working days. It will then be dealt with in accordance with the relevant complaints process.

If a complainant is still unhappy following the formal complaint investigation by Rochdale Adult Care, they can refer their complaint to the Local Government and Social Care Ombudsman. However the local authority should be allowed to complete their investigation before a referral to the Ombudsman is made. Contact details for the Local Government Ombudsman can be found at www.lgo.org.uk.

The Local Government and Social Care Ombudsman cannot investigate complaints about an organisation or individual that does not fall within their jurisdiction.

15.5.2 Learning Lessons:

The appropriate Complaints Unit will ensure that a full record is kept of complaints made under this procedure, their outcomes and the lessons learned, together with any actions taken in response to improve services.