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**15. Complaints about the Safeguarding Decision Process**

**15.1 Introduction**

There is a single complaints procedure 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 or 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 No service will be delayed, withdrawn or suspended because a complaint has been made.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 procedure 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 Local Authority Complaints Procedure would be followed.

**15.4 Giving People Support and Advice when they complain**

There are many reasons why someone might need support (e.g. disability, language, age) and there are a number of services that help. The Rochdale Council Complaints Unit can provide advice and support to people who receive services and their representatives. Contact details are available on the Rochdale council website [**www.rochdale.gov.uk**](http://www.rochdale.gov.uk)

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.

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

After receiving a complaint where a quick resolution is not possible, 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 complaint investigation by Rochdale Borough Council, they can refer their complaint to the Local Government 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](http://www.lgo.org.uk).

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

**15.5.1 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.