

The Swindon Adult Social Care Complaints Process

Listening

We will:

- Acknowledge your complaint within 3 working days
- Contact you to talk about your complaint and make sure that we understand your concerns
- Find out what you want to achieve as a result of your complaint
- Agree how your complaint will be handled
- Not take sides, and treat you fairly and equally.

Responding

We will:

- Agree a timescale for a response to be sent to you. This is negotiable with you, although generally this is within 25 working days
- Fully investigate your complaint and make a fair decision about it
- Keep you informed of progress and agree with you an extension if we can't meet the agreed timetable
- Provide a written response telling you what we found out and any actions that we are going to take

You can ask at any time to meet with us or we may ask to meet with you to discuss your concerns. If it helps, you can bring a friend or relative to support you.

Learning

We will:

- Commit to use your experiences to improve our services and prevent future problems

Making a comment or complaint

Are you happy with the services you receive?

Swindon Borough Council is committed to providing quality services so if you have a comment, compliment, concern or complaint, please tell us about it. This will help us to improve services and, if you have a complaint, it will give us the opportunity to put it right and learn from what you tell us. You can make your complaint in the most appropriate form for you, which may be verbally, electronically or in letter format.

The main provider of social care and community health services for older people and people with physical disabilities in Swindon is Seqol, a social enterprise. The main provider of Adult Mental Health services is Avon and Wiltshire Partnership (AWP). Other independent organisations such as residential care homes, nursing homes, and domiciliary care agencies also provide services on behalf of the Council.

If you have a concern or wish to make a complaint about services that are provided by one of these organisations, you should contact the service provider. The provider should give you information about its complaints procedure and an answer to your complaint.

If you would like to make a complaint, you should do this as quickly as possible. Usually we will investigate complaints that are made within 12 months of the event, or made within 12 months of you realising you were unhappy about a specific situation or event.

What complaints does the Council deal with?

Swindon Borough Council deals with complaints about:

- The charge you pay for services and how we have assessed the charge
- Safety and safeguarding
- Learning Disability social work services
- The quality of services which are funded by the Council and where the service provider has not been able to resolve the complaint. The Council can be asked to consider a complaint earlier where someone is in a very vulnerable situation

If you have arranged care directly with a care provider and you are paying for that care with your own money, or family are paying, you should make your complaint direct to the Local Government Ombudsman. If you are not sure who should deal with your complaint, contact us and we will be happy to direct you to the right place.

Please note that the Council may not be able to respond to a complaint if it is already under investigation through other procedures, for instance criminal or court proceedings or tribunals.

Complaints should be made directly to:

Swindon Borough Council

Complaints Manager
Swindon Borough Council
Euclid Street
Swindon SN1 2JH

email: childrensfamilies&communityhealthcomplaints@swindon.gov.uk

Telephone: 01793 463302

Seqol

SEQOL HQ
North Swindon District Centre
Thamesdown Drive
Swindon SN25 4AN

email: feedback@seqol.org

Telephone 01793 463333

Avon and Wiltshire Mental Health Partnership (AWP)

You can either write to the Chief Executive or the Complaints & PALS Manager at:

Avon and Wiltshire Mental Health Partnership NHS Trust
Jenner House
Langley Park Industrial Estate
Chippenham
Wiltshire
SN15 1GG

Email: awp.complaints@nhs.net or

Email: awp.pals@nhs.net

Telephone: 01249 468261

Who can complain?

The following people can make a complaint:

- The person receiving the service (the service user)
- Someone acting on behalf of the service user with their consent
- A representative of the service user if they do not have capacity to make decisions or give consent

What happens when you make a complaint to the Council?

The first thing to do if you have a complaint is to speak to the manager of the service you are dealing with. Most concerns or complaints can be resolved quickly through discussions with the manager.

The complaints procedure that must be followed in Adult Social Care and Health is set out in legislation, published in 2009.

The complaints process consists of two stages:

- Local resolution
- Parliamentary and Health Service Ombudsman (PHSO)

Local Resolution:

We must acknowledge your complaint within 3 working days. It will be taken seriously and all efforts will be made to sort it out fairly, quickly and effectively.

We will contact you, usually by phone, to talk to you about what issues you want to raise, and how you would like them to be addressed.

We will also discuss with you when you can expect to receive a response to your complaint.

We will:

- Make sure we understand your complaint
- Ask you what you would like to happen because of your complaint, and tell you if we think it is realistic
- Agree how long it will take for us to investigate your complaint, and respond to you.

It might be helpful to have a meeting to talk about your complaint, and if so, we will arrange for you with the relevant Council officers to resolve the issues raised in the complaint.

If your complaint is particularly complicated or serious, we might ask someone who is independent of the Council to investigate and write a report on their findings. We will discuss with you whether it might help you to have assistance from a family member or friend, or we can arrange an advocate to support you.

A complaint plan will be agreed with you by the service manager investigating your complaint.

We will provide you with a written response. The time required for us to complete the investigation and respond to your complaint in writing is negotiable with you, the complainant, although generally this is 25 working days.

Local Resolution – the Council’s response to your complaint

The complaint investigation should respond directly to the issues raised in your complaint.

It should also identify any learning or service improvements for the organisations that should be made as a result of the complaint, and these will be noted in the response letter. We will make sure that the response letter avoids complex terminology or jargon.

The Council’s response to you will be signed by the Chief Executive or the Director of Adult Social Services.

If the complaint is regarding Seqol or AWP, a copy of the response will be sent to the Chief Executive Officer of those organisations.

In the response, the Council will always check that you are happy with the response to the complaint, and to talk to the complaints team again if you are not satisfied with the response.

Alternatively, you can ask the Parliamentary and Health Service Ombudsman (PHSO) to review your complaint, and we will explain to you how to do that.

Parliamentary and Health Service Ombudsman

The Ombudsman makes final decisions on complaints that have not been resolved by the Council or NHS.

The Parliamentary and Health Service Ombudsman has an advice team. To complain about a UK government organisation or the NHS in England you can:

- Visit the Ombudsman '[Making a complaint page](#)' to complain online or download a paper form
- Call the Customer Helpline on 0345 015 4033 from 8:30am to 5:30pm, Monday to Friday
- Send a text to the 'call back' service: 07624 813 005

The Ombudsman will make an initial review of the complaint to ensure that attempts to resolve the complaint locally have been made. If not, the Ombudsman will refer the complaint back to the Council.

When the Ombudsman accepts a complaint for review, the Ombudsman will request a copy of the complaint file. The Ombudsman can decide that there is no case to answer, that the complaint is partially upheld, or that the complaint is fully upheld.

If the Ombudsman decides that the Council has got things wrong, they may make recommendations for the Council to put them right. This can include explanations, apologies and recommendations for the service to learn and improve.

In addition, you can request support and advice from:

Patient Advice Liaison Service (PALS)

The PALS Team works alongside the Swindon Borough Council complaints team, and offers confidential advice, information and problem solving. You may prefer to work with the PALS Team to resolve your complaint in an informal way. PALS staff will work with the Council and other NHS providers to make sure that people are receiving the appropriate service. The PALS Patient Advice and Complaints Team deals with NHS commissioning complaints on behalf of NHS Swindon Clinical Commissioning Group.

PALS is impartial and will work with you to try to resolve a difficulty or problem and can act on your behalf if you wish. They will discuss with you the best ways to resolve your concerns or problems and will agree with you what action to take for your individual circumstances. They can also signpost to other sources of help if needed. You can provide feedback directly to PALS in writing, by email, or by telephone:

Email: feedback.swindonccg@nhs.net

Telephone: 0300 200 8844

Patient Advice and Complaints Team
South, Central and West Commissioning Support Unit
Priory Road Medical Centre
Priory Road
Park South
Swindon
SN3 2EZ

Healthwatch Swindon

Healthwatch Swindon can put you in touch with the right organisation to listen to your concerns and make sure your voice is heard. The service is free, independent and impartial. Healthwatch England have also worked with Citizens Advice to produce a series of guides to help you make a complaint or raise a concern. Healthwatch Swindon incorporates the NHS Independent Complaints Advocacy Service.

Healthwatch Swindon is at: <http://www.healthwatchswindon.org.uk/content/advocacy>

Healthwatch Swindon
Swindon Advice and Support Centre
Sanford Street
Swindon SN1 1HE

Email: info@healthwatchswindon.org.uk

Telephone: 01793 497777

How we learn from Complaints

Every 3 months, senior managers in Adult Social Care review the complaints that have been received, the responses that have been provided, and work through what staff in the Council and in Seqol, AWP and our other partners can do to learn and improve.

Equality and Diversity

Swindon Borough Council is committed to ensuring that we treat all our service users respectfully and fairly with regard to the protected characteristics of age, disability, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

Appendix - Swindon Borough Council Customer Feedback Policy relating to Abusive, Persistent and Vexatious Complaints

There will be occasions where a customer will persist in their cause. Whenever a complaint is received which has been investigated previously and replied to, the matter needs to be referred to the Service Director. We do not expect staff to tolerate unacceptable behaviour by complainants or any customer. Unacceptable behaviour includes behaviour that is abusive, offensive or threatening and may include:

- Using abusive or foul language in any form of communication
- Sending multiple emails
- Leaving multiple voicemails

We will take action to protect staff from such behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

What is a Persistent or Vexatious Complaint?

Complainants may be deemed vexatious where previous or current contact with them shows they meet one or more of the following criteria:

- Persist in pursuing a complaint where it has been fully investigated and full action has already been taken within the Council's procedures but the complainant will not acknowledge this.
- Display unreasonable demands or expectations and fail to recognise that these are unreasonable.
- Complainants have threatened or used physical violence to a member of staff or member of the public in relation to the complaint.

- Have harassed or been personally abusive or verbally aggressive towards staff dealing with their complaint or query. This includes the use of any foul or inappropriate language.
- Change the main issue of the complaint or continually raise new issues to prolong contact whilst the original complaint is still being addressed. Please note care must be taken not to discard new issues, which may be significantly different from the original complaint.
- Are unwilling to accept documented evidence to support an adequate response.
- Have caused persistent offence to a member of staff or a member of the council or a member of the public by referring to their gender, race, disability, age, religious belief or sexuality.
- Attempt to override or circumvent the Corporate Customer Feedback Policy by involving the Leader of the Council, the Chief Executive, MPs, external auditors, Ombudsman, etc., at an early stage of every complaint.

Persistent and Vexatious Complaints Procedure

Please note that this procedure should only be used as an absolute last resort and after all reasonable measures have been taken to try to resolve complaints using the Corporate Customer Feedback Policy. Discretion must be used in applying the criteria, which identify potential persistent and vexatious complaints, and in deciding the appropriate action to be taken. The procedure should only be implemented following careful consideration by and with the authorisation of the Director of the service concerned, along with the relevant Cabinet Member.

Where complainants have been identified as persistent or vexatious in accordance with the above criteria, the Director will determine what action should be taken. This notification will be circulated to staff involved in the complaint. At this stage it should be considered whether the Council wishes to suspend all contact with the complainant whilst seeking advice from the Director of Law and Democratic Services.

Should it involve the complainant only being allowed to contact the Council through written correspondence, all front line service areas and security staff affected will be notified. A record must be kept of the reasons why a complainant has been deemed persistent or vexatious under these criteria and noted on the relevant system(s).

The Director may decide to deal with the complaints in one or more of the following ways:

- Try to resolve matters before invoking this procedure, by drawing up a signed agreement with the complainant, which sets out a code of acceptable behaviour on the part of the Council, and the complainant in order for the Council to continue to investigate the complaint.

- Specify how future contact will be maintained between the Council and the complainant.
- Notify the complainant that the Council has fully responded to all issues and that continuing contact on the same matter will serve no purpose as all matters have now been thoroughly investigated. The complainant will also be notified that any further correspondence on the same matter will be acknowledged but not answered, unless any significant new matters are raised in writing.

The complainant will be notified in writing that they have been considered persistent or vexatious under the Council's Corporate Customer Feedback Policy and that this sanction has been invoked as a last resort in order to conclude the matter. The notification should include information on the right of appeal to the Standards Committee.

Any action that is taken should be fully notified to the complainant in writing, stating the period in which this decision will be reviewed.

Withdrawing Vexatious Complaints Status

If the complainant subsequently demonstrates a more reasonable approach, the Director, along with the relevant Cabinet Member should consider withdrawing the status.