

Protocol for the handling of complaints/comments/concerns/compliments that involve more than one organisation across north east lincolnshire

1. Introduction

This protocol applies to feedback (complaints, comments, concerns and compliments) that require co-ordinated handling across all organisations.

The organisations concerned include:

- North East Lincolnshire Council
- North East Lincolnshire Clinical Commissioning Group (CCG)
- Northern Lincolnshire and Goole NHS Foundation Trust
- focus independent adult social work
- NAViGO (mental health provider)
- Care Plus Group (intermediate care provider)

This protocol is to be followed by the named organisations to address all issues falling under the following legislation requirements:

- Children and family services: Getting the Best from Complaints 2006
- NHS organisations - Clinical Commissioning Group and Northern Lincolnshire and and Goole foundation trust The local authority social services and NHS complaints (England) Regulations 2009.
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2. Principles

The inter-agency responsibility of health and social care service provision is a complex arrangement within North East Lincolnshire. Service users (including children, young people and families) patients, their carers, friends and relatives cannot be expected to have a detailed understanding of these relative responsibilities and should not have to navigate their way through them in order to have their feedback addressed.

Services provided or commissioned by any of the above organisations who may be involved with the complaints process should also have a clear understanding of the processes and their responsibilities.

This protocol is intended to ensure that any feedback about a jointly provided service or that involves services provided by more than one organisation is dealt with seamlessly, promptly and clearly through a co-ordinated process, and as stated in the Local Authority Social Service and NHS Complaints (England) Regulations 2009.

Complainants will be given the advice and assistance they require to make their experience as effective and timely as possible.

This protocol will require:

- openness and co-operation between the agencies (this also forms part of the “Duty to Cooperate” aspect of the Care Act 2015)

- openness and co-operation at each stage of the process (Duty of Candour)
- a protocol for decision making between the agencies
- a designated single lead and contact for the complainant
- clarity about each step of the complaints process including timescales
- the provision of a single co-ordinated response
- the commitment to shared learning

3. Process and Establishing the Lead

3.1 Receiving the complaint

- Feedback (complaints, comments, concerns & compliments) can be made verbally, in person, in writing or on-line to any of the above organisations.
- Where the complaint or feedback involves more than one organisation a discussion needs to take place to agree the lead respondent; this needs to be based on a number of factors, primarily proportionality, objectivity, appropriateness or the client's choice. The receiving organisation will contact the complainant to explain the need to obtain agreement to share the complaint with other organisations.

3.2 Establishing the Lead Organisation

For each element of feedback received it is necessary to establish the lead organisation. The complaints manager/designated officer for the lead organisation will take responsibility for coordinating the complaint. This will include providing the final written response and keeping the complainant and other organisations up to date.

- The respective complaints managers/designated officers should discuss at the earliest opportunity the complaint. Within this discussion it will be established which organisation will be the lead/co-ordinating organisation.
- The lead organisation will be:
 - that which has responsibility for the majority of issues in the feedback
 - accountable for the most significant issues
 - responsible for receiving the feedback, should the issues be evenly divided
 - determined by the respective complaints managers/designated officers
 - taking consideration of the complainant's wishes and views regarding timescales if the lead organisation is the Clinical Commissioning Group or Northern Lincolnshire and Goole foundation trust. Where this is the case timescales and response dates will also be negotiated, subject to the complainant's agreement. NB if the lead organisation is North East Lincolnshire Council the timescales for responding are bound by legislation and/or policy.

The lead complaints manager/designated officer will be responsible for and co-ordination of the complaint along with the support of their counterpart in the other organisation.

Where North East Lincolnshire Council are denoted as the lead organisation, legislation suggests that the agencies work to the lowest legislative timescale (see also 4). The lead complaints manager/designated officer will acknowledge the complaint within 3 working days of receipt.

- The lead complaints manager/designated officer is responsible for establishing any relevant advocacy/ support requirements of the complainant. In the case of children and young people making a complaint this service will be commissioned in by the information governance and complaints team. In terms of the CCG and NL&G ICAS can provide advocacy services to support people who wish to make a complaint.
- The lead complaints Manager/designated officer is required to establish any support requirements for the complainant and prior to commissioning these, establish which organisation will fund.
- The complaints manager/designated officer for each organisation is responsible for appointing an investigating officer and in the case of complaints made under the “Getting the Best from Complaints 2006” guidance for North East Lincolnshire Council’s childrens’ social services , appointing an Independent Person at stage 2 of the process.

3.3 Timescales / Grading

Consideration must be given to the respective legislation for all organisations. Where North East Lincolnshire Council are denoted as the lead organisation the agencies will work to the lowest legislative timescale (See also 4)

North East Lincolnshire Council complaints guidance, ‘Getting the Best from Complaints 2006’, details specifically the timescales at the 3 complaint stages, these are only open to extension with the explicit agreement of the complainant.

The stages and timescales are as follows

- Stage 1 10 working days
(can be extended to 20 days for more complex complaints)
- Stage 2 25 working days
(maximum extension to 65 days)
- Stage 3 50 days to the issue of findings

Where a young person is making a complaint an advocate will be offered, where a complaint has been made on behalf of a child, consent from the child may be required if the child is deemed to be Fraser (Gillick) competent, i.e. able to make their own decisions.

Consent and agreement to share information will be sought from the complainant (and/or person complained about) and will apply to all organisations involved.

For the NHS organizations /The Local Authority Social Services and NHS Complaints (England) Regulations 2009 complaints legislation process involves an initial impact/ risk assessment. This assessment looks at the potential significance of the issues raised by the feedback and is allocated a grading. The process of grading the feedback

cannot be carried out by one organisation on behalf of another and therefore must be undertaken jointly. A resolution plan will be produced to ensure clarity about the process for addressing the issues raised. ~Any resolution plan drawn up will:

- set out each element of the feedback
- state how each element will be addressed
- establish the timescales
- record the preference of method of contact e.g. in person, in writing.
- agree advocacy involvement where appropriate
- identify the appointed investigating officer

Clear agreement should be reached about the process of adjudication and arrangements for the response to be signed off by each organisation.

The lead organisation will gain the relevant consent from the complainant. Consent should be sought only once and should apply to all organisations involved.

It is the lead complaints manager/designated officer's responsibility to negotiate and agree with their counterpart in the other organisation any costs incurred whilst progressing the complaint.

N.B. Where required, it is the responsibility of the complaints manager/designated officer in each organisation to ensure that the necessary people, records, procedures etc are available to the investigating officer, without separate requests having to be made, and check that appropriate consent is recorded.

4. Response

It should always be the aim to have a single response to inter-organisation feedback. In some circumstances this may not be possible, for example if one issue is going to take significantly longer to deal with than others. In such cases it may be that the organisations agree with the complainant, to provide separate responses. Where this is the case, the complaints manager/designated officer will give consideration to providing the responses received to the complainant, and agreeing with them an appropriate date to receive the outstanding response. Complainants should always be advised of this as soon as possible in writing.

If the lead agency is the Clinical Commissioning Group / Northern Lincolnshire and Goole foundation trust and it is considered that the feedback requires an adjudication/ management meeting, this should be a joint process, where possible, to facilitate a single response. If adjudication cannot be held jointly it should take place within a timescale that would not prolong the complainant's response. The lead complaints manager /designated officer is responsible for ensuring that the appropriate manager in their organisation agrees /signs off the response before it is sent. The response should be shared and agreed with both complaints manager/designated officers prior to the final sign off and before it is shared with the complainant.

5. Findings

If there has been no formal adjudication then the lead complaints manager/designated officer should seek to identify, with the officer/s who handled the feedback, whether there are any identified learning issues/actions.

North East Lincolnshire Council will hold an adjudication meeting with all Stage 2 complaints.

The lead complaints manager/designated officer should ensure that any learning points/identified actions are forwarded to their counterpart in the relevant organisation. Any identified actions and recommendations will be monitored by the lead complaints manager/designated officer to ensure that they have been completed.

Learning from feedback is a vital feature of the process and inter-organisation feedback offers an opportunity for both organisations to learn from each other. Feedback ensures that issues requiring action/service improvements are identified.

The lead complaints Manager/designated officer will follow up with user feedback/satisfaction surveys to the representative and will advise their counterpart of any findings.

6. Consent to Information Sharing

In order to deal with feedback effectively it will be necessary for all organisations to make relevant information that they hold on the complainant available to any identified investigators from the other organisation, or that are wholly independent. Similarly they will be required to give access to any internal policies or procedures.

In respect of personal information this must be handled in line with the principles of the Data Protection Act 1998 and any confidentiality policies the respective organisation may have. All investigators should be aware of their responsibilities in respect of confidentiality.

The lead complaints manager/designated officer must ensure at commencement of the complaint that consent is provided by the complainant to share information with all relevant parties. Where the service user/patient is deemed not to have the capacity to give consent then this must be sought from their representative.

Consent should be given in writing, if this is not possible consent should be recorded carefully on file, clearly explaining how the complainant has given permission and the reasons why written consent can not be provided. Consent should be sought only once for each complaint and will apply to all organisations.

Where consent is not given to share information then it should be explained to the complainant that they can

- take their complaint direct to the organisation concerned
- pursue their complaint through the joint route but with the understanding that any investigation will be compromised through lack of access to information

Once consent is given all organisations should make every effort to ensure the any requested information is readily available (including verbal contact) during the complaint investigation.

Information that is made available for the investigation of a complaint must only be used for the purpose for which it was obtained.

Only information that is relevant to the feedback and its investigation should be shared. It is the responsibility of the lead complaints manager/designated officer to ensure that the storage and retention of any joint complaint information meets with their organisations' legislative protocol.

APPENDIX

DEFINITIONS

Complaints manager/designated officer – Person within the organisation designated to deal with complaints.

Feedback – Complaints, comments, concerns and compliments that require action and a response.

Service user/ Complainant – person making the complaint, comment, concern, compliment. This may be the service user or someone acting on their behalf.

Representative-

This is the person (s) acting on behalf of a person wishing to make a complaint subject to the complainant's consent and agreement.

Regulations - The Local Authority Social Services Getting the 'Best from Complaints 2006' and the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Organisations –North East Lincolnshire Council, North East Lincolnshire Clinical Commissioning Group and Northern Lincolnshire and Goole foundationTrust (Diana Princess of Wales site).

Investigating Officer - Person appointed by the complaints manager/designated officer to carry out the investigation. In some cases this may be an independent investigating officer.

Independent Person – Person appointed by the complaints manager/designated officer for children's social care complaints to work alongside the investigating officer.

Advocate – Person supporting the complainant during the complaints process.