

## Complaints Policy Adult Social Care



## Contents

1. Introduction .....	3
2. What is a complaint.....	3
3. What is not a complaint.....	4
4. Who can make a complaint.....	4
5. Complaints which will not be considered under this procedure .....	5
6. How to make a complaint.....	5
7. How to withdraw a complaint .....	6
8. Managing joint complaints between Health Services and Social Care Services .....	6
9. Complaints about adult care service providers .....	6
10. Complaints made by adults in receipt of a Direct Payment.....	7
11. The complaint process.....	7
12. Local Government and Social Care Ombudsman.....	8
13. Recording and monitoring of complaints and representations .....	8
14. Anonymous complaints .....	8
15. Safeguarding.....	8
16. Time limit for making a complaint.....	9
17. Making reasonable adjustments .....	9
18. Unreasonably persistent complainants .....	9
19. Receiving services during the complaint process .....	10
Key Information and Revision History .....	11

## 1. INTRODUCTION

Bolton Council's policy is to put the individual, or their representative, at the centre of efforts to resolve the concerns they have raised about Adult Social Care, including matters regarding adult social care financial assessments.

In this policy when we say, 'us' or 'we', we mean Bolton Council. When we say 'you' we mean the person receiving care or services.

We recognise the importance of listening to people's experiences and views about our services – particularly if they are unhappy – and we want to make it as easy as possible for them to let us know their views.

If we are unable to resolve the concerns raised, additional information about how to appeal can be provided.

We are fully committed to creating a culture where equality, diversity and inclusion are integral to everything we do. Our policies and processes form part of our infrastructure to support an environment where people from all groups and our diverse communities feel included, supported, and are treated fairly in accessing all opportunities.

We will ensure that complaints are dealt with in a way that is:

**Accessible** - the procedure will be easy to access and follow.

**Open** - any information gathered about the representations will be shared

**Responsive** - the needs of the service user will be listened to and taken into account

**Proportionate** - the efforts to resolve and time taken in addressing the issues raised will reflect the significance of those issues

**Timely** - the representation will be dealt with within agreed timescales

## 2. WHAT IS A COMPLAINT

A complaint is “an expression of dissatisfaction, however made, about decisions, the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual or group of individuals”<sup>1</sup>.

The word complaint does not have to be used before it is dealt with as one. If it is evident that you (the complainant) are not happy and that the concerns cannot be resolved immediately we will treat your concerns as a complaint.

### **3. WHAT IS NOT A COMPLAINT**

A complaint is not:

- A routine first-time request for a service
- A claim for compensation only
- A disagreement with the outcome of a needs assessment
- A disagreement with decisions or conditions that are determined by a court or other statutory body, for example decisions made by a parole board or mental health tribunal.
- An attempt to re-open a previously concluded complaint or to have a complaint reconsidered where we have already given our final decision.

### **4. WHO CAN MAKE A COMPLAINT**

A complaint can be made by:

- Any person who is receiving or has received services from Bolton Adult Social Care, or their commissioned services.
- Any person who is affected by the action, omission or decision of Bolton Adult Social Care, or their commissioned services which are the subject of the complaint.

A complaint may also be made by a representative of a person who:

- Has died.

---

<sup>1</sup> LGSCO – [Local Government and Social Care Ombudsman](#)

- Is unable to make the complaint themselves because of physical incapacity, or who lacks capacity within the meaning of the Mental Capacity Act 2005,
- Has requested the representative to act on their behalf or who has legal power to act on a person's behalf.

Where a representative has made a complaint on your behalf, we will make sure that you have provided consent, or that they are legally allowed to represent you. We will not share information if we do not have permission to share it.

## **5. COMPLAINTS WHICH WILL NOT BE CONSIDERED UNDER THIS PROCEDURE**

- The complaint is received from someone who cannot make a complaint
- The complaint has the same subject matter which has previously been investigated
- The complaint is unclear, frivolous, or vexatious.
- The complaint is being or has been investigated by the Local Government Social Care Ombudsman, is under a criminal investigation, or there is an alternative statutory appeals procedure.
- The complaint should be dealt with under a more appropriate policy or procedure.
- The complaint is about a care service which is not commissioned by Bolton Council.

## **6. HOW TO MAKE A COMPLAINT**

Complaints should be submitted to the Quality Assurance and Improvement Team.

They can be contacted:

By **Phone**: 01204 334236

By **Email**: [Quality@bolton.gov.uk](mailto:Quality@bolton.gov.uk)

By **Post**: The Quality Assurance and Improvement Team,  
1st Floor,  
Town Hall,  
Bolton  
BL1 1RU

Your complaint will also be passed onto the Quality Assurance and Improvement Team if you make a complaint to:

- Any other member of staff,
- A member of the care management team,
- Through a feedback card, or
- Through the Contact Centre (01204 333333)

## **7. HOW TO WITHDRAW A COMPLAINT**

Complaints may be withdrawn verbally or in writing at any time. The Quality Assurance and Improvement Team must be informed immediately if you want to withdraw your complaint. We will then contact you to confirm your decision.

We may still review the issue raised and consider whether further investigation is required internally.

## **8. MANAGING JOINT COMPLAINTS BETWEEN HEALTH SERVICES AND SOCIAL CARE SERVICES**

Where a complaint covers services arranged by the NHS as well as Adult Social Care, one of the organisations will take the lead on the complaint. It is our aim to provide a co-ordinated response wherever possible in such cases.

If you do not wish the complaint to be sent to the NHS body responsible, then we will only be able to address those aspects of the complaint that relate to adult social care services we provide or commission.

## **9. COMPLAINTS ABOUT ADULT CARE SERVICE PROVIDERS**

We want to make sure you make your complaint to the right organisation:

- Complaints made about adult care services run by us will be handled under this policy.
- Complaints from members of the public or from someone not listed as able to make a complaint about adult care services run by us will be dealt with under the [Corporate Complaints Procedure](#).
- Complaints about adult care services run by other organisations and commissioned by us must be made to the organisation concerned in the first instance.

However, as part of their contract, organisations must make us aware of all complaints received so that responses, learning and improvement can be monitored. If you are not satisfied by the response from an organisation, you may choose to formally complain to us.

**Please note:** We cannot address complaints relating to adult care services who are not commissioned by us. These complaints will need to go directly to the care service provider.

## **10. COMPLAINTS MADE BY ADULTS IN RECEIPT OF A DIRECT PAYMENT**

If you pay for your services with a Direct Payment, you should complain directly to your care provider. You will have your own contract with the providers of care.

## **11. THE COMPLAINT PROCESS**

We will try to resolve complaints quickly and informally. If we are unable to, then the complaint will follow a two-stage process which ensures formal complaints are investigated thoroughly. It also ensures you have a right of appeal. When we receive a complaint, the Quality Assurance and Improvement Team will acknowledge it within 3 working days.

- **Stage 1 Formal investigation:** This will take place within 20 working days but could take longer if the case is complex. We will write to you with our response, unless agreed otherwise.
- **Stage 2 Appeal to Head of Service:** If you, or your representative, are dissatisfied with the response at Stage 1, you can request progression to Stage 2. The request to progress to Stage 2 must be made within 20 working days from receipt of the Stage 1 complaint response.

The Stage 2 response will then be completed within 20 working days but could take longer if the case is complex.

At Stage 2 you, or your representative, will be invited to attend an appeals hearing, where your complaint relates specifically to:

- a decision around eligibility to receive services or
- a decision not to approve a support plan or
- a decision not to approve a personal budget.

## **12. MAKING A COMPLAINT TO THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN**

Where you, or your representative, are not satisfied with the Stage 2 response from us, you can self-refer to the [Local Government and Social Care Ombudsman](#) to ask them to investigate your complaint. The Ombudsman looks at whether there is fault in the way we made our decisions. They can look at complaints if:

- Something has gone wrong in the way a service has been delivered;
- The service has not been delivered at all;
- The way a decision has been made and has caused problems for a person.

The Ombudsman will not investigate just because you, or your representative do not agree with our decision. The Ombudsman may also reject a referral if you, or your representative have not first given us the opportunity to respond.

## **13. RECORDING AND MONITORING OF COMPLAINTS AND REPRESENTATIONS**

All formal complaints are recorded and monitored. We use this information to see if there are ways we can improve. We will ensure that if there are any improvements, or ways we can learn from the complaint, we will share this with staff and incorporate it into our procedures.

## **14. ANONYMOUS COMPLAINTS**

If we receive an anonymous complaint, we will investigate if we have enough information to act. If the complaint doesn't have enough information to allow a full investigation, a Head of Service may make the decision not to pursue.

## **15. SAFEGUARDING**

Where the person involved in a complaint is an adult at risk and there is reason to believe that a person is deliberately or unknowingly causing them harm or has caused them harm, then we will consider the safeguarding implications, both to the person at the centre of the concerns and to other vulnerable adults who are potentially at risk in relation to the concerns.

Safeguarding investigations will take precedence over the complaint's investigation. A letter confirming that the concerns are being investigated by the safeguarding process will be sent to the complainant informing them of this.



## **16. TIME LIMIT FOR MAKING A COMPLAINT**

We do not need to consider complaints made more than 1 year after the grounds to make the complaint arose. In these cases, we will write to you, or your representative to explain the reasons why no further action will be taken.

We can extend this time limit if it is still possible to consider the complaint effectively and efficiently and/or where it would be unreasonable to expect you, or your representative to have made the complaint earlier. Each case will be considered on its own merits.

## **17. MAKING REASONABLE ADJUSTMENTS**

We will make reasonable adjustments in the way that we carry out our complaints function in accordance with the Equality Act 2010. This may include:

- Help to enable the complainant to understand the complaints procedure or;
- Advice on where you, or your representative may obtain such help.
- The right to have an advocate who will provide support through the process.
- Provision of documents in a different way

Please let us know if there are adjustments that you feel would help you through the process.

## **18. UNREASONABLY PERSISTENT COMPLAINANTS**

We are committed to dealing with all complaints fairly and impartially and to providing a high-quality service to those who complain. However, there are a small number of complainants who, because of the frequency of their contact with us or their failure to engage fully with the complaints process, hinder consideration of their own complaints.

An unreasonably persistent complainant is likely to include some or all of the following:

- the complaint arises from an historic and irreversible decision or incident.
- contact with the council is frequent, lengthy, complicated and stressful for staff.
- the complainant behaves in an aggressive manner or is verbally abusive or threatening.

- the complainant changes aspects of the complaint partway through the council's consideration of the complaint.
- the complainant persistently approaches the council through different routes about the same issue in the hope of getting different responses.

Where possible we will ask the complainant to change their behaviour and explain why. We will also inform them that if the behaviour persists, we will take action to restrict their contact with our services in line with our guidance for staff on Management of Unreasonable Complainant Behaviour.

If the behaviour is so extreme that it threatens the immediate safety and welfare of our staff, we may report the matter to the police or consider taking legal action.

## **19. RECEIVING SERVICES DURING THE COMPLAINT PROCESS**

While we are looking into your complaint, we will take reasonable steps to provide a service which will meet your needs.

If you have a care plan, you will receive the same level of care agreed on the plan until the process is complete. This is the same if you're waiting for the Ombudsman's decision.

## Key Information and Revision History

<b>Title</b>	Complaints Policy
<b>Prepared by</b>	Head of Quality Assurance and Improvement
<b>Approved by</b>	Quality, Performance and Finance Board
<b>Date effective from</b>	01 July 2025
<b>Review frequency</b>	Every 2 years
<b>Next review date</b>	July 2027
<b>Distribution</b>	External

## Revision History

<b>Version</b>	<b>Date</b>	<b>Summary of changes</b>	<b>Initials</b>
1.0	July 2025	New Policy agreed for first use	ML/AS

## Approval

<b>Agreed By</b>	<b>Date</b>	<b>Version</b>
Legal Services	May 2025	1.0
Quality Performance and Finance Board	June 2025	