



# **COMPLAINTS POLICY AND PROCEDURE**

**August 2014  
Up dated;  
November 2014  
October 2016**

## **Introduction**

WWiSH Adoption Service is committed to providing a high quality and professional service at all times. However, it is recognised that there may be occasions when service users or their representatives feel that their expectations have not been met. The WWiSH Adoption Service takes a positive view of being informed of any concerns. WWiSH will endeavour to be always open and honest, providing a full explanation and where appropriate will take remedial action and will offer an apology. WWiSH will learn from complaints and incorporate that learning into its service improvement process.

In receiving and handling complaints the guiding principles are:

- Getting it right
- Being customer focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right
- Seeking continuous improvement

WWiSH will make no distinction between complaints and concerns received in person, by telephone or in writing (including by email). Each will be given a commitment that they will receive a response by a specified and agreed date.

This will usually be 10 working days from receipt of the complainant's authorised consent. If a complaint is complex and/or involving a number of providers, to ensure a robust investigation it may be necessary to extend the time frame to 20 working days to allow for the investigation to be completed. However WWiSH will always ensure the complainant is kept fully updated and receives a formal response to their complaint without undue or unreasonable delay.

WWiSH will ensure that no one is discriminated against as a result of them making a complaint or raising a concern. WWiSH recognises that suggestions and complaints provide valuable insights into services. Every person's experience counts. Concerns and complaints provide valuable intelligence about the services WWiSH provide.

Three steps to the policy are:

1. Listening
2. Responding
3. Improving

WWiSH will place equal emphasis on each of the three. WWiSH is aware that unless the Service listens, the response will not address the key issues raised by the complainants and valuable opportunities for

improvement will be lost. Complaints and the outcomes of any investigation form part of the continuous quality improvement process.

Some complaints involve a number of organisations. However the person making the complaint has one experience and wants to be assured that all departments and/or organisations have worked together to ensure that any changes are made in a consistent and sustainable way. Therefore when a complaint is received by WWiSH, the service will ensure complainants receive a single response through the Principal Manager (or appropriate other manager). Where the complaint is clearly an issue related to the services provided by WWiSH, the complaint will usually be registered with Wigan Council at Stage 1. However, the complaint may be investigated by one of the three WWiSH Local Authorities and by other bodies depending on the circumstances of the complaint and where appropriate.

### **Policy Statement**

WWiSH will ensure that complaints are viewed in a constructive way and used to identify any areas for service improvement. Communication with complainants will be open and fair. All complainants will be treated courteously. WWiSH will ensure that the person making the complaint receives a response which addresses all the issues raised and clearly sets out how any required changes will be made. Where changes are planned, WWiSH will agree a timeframe by which the Principal Manager will update the complainant on the changes made.

### **What Complainants Can Expect From the Complaints Process**

The policy has been developed to ensure that a consistent approach is undertaken with all complaints irrelevant of the issues raised. When a complaint is made the complainant can expect:

- To be sent within three working days, an acknowledgement that the complaint has been received.
- To be asked for a consent form to be completed if they are not the person who has received the service.
- To be asked to complete a consent form if they are the person who has received the service, if the investigation of their complaint will require access to their records held elsewhere.
- An offer to discuss the complaint or concerns to resolve the concerns informally where appropriate.
- The member of staff dealing with the complaint will understand the complaints procedures and comply with this Policy.
- An explanation of options relevant to the content of the complaint in order to ensure resolution which will take into account the complainants views and wishes.
- A plan (including timescales) for dealing with the complaint to be agreed with the complainant.

- To receive a written response explaining how the complaint has been resolved and what appropriate action has been taken. This will also include information on their right of appeal.
- The offer of a conciliation meeting where there are difficult issues to be resolved
- Where the content of the complaint covers other agencies, Wwish will work with colleagues to investigate and provide a single response.
- If the timescale is not likely to be met then the complainant will be kept informed

#### **The WWiSH Complaint Policy Principles are to:**

- Publicise the Complaints Procedure
- Ensure complaints/concerns are dealt with efficiently and that investigations are appropriate to enable a response to the complainant and to identify areas for improvement
- Ensure a robust procedure is in place in organisations that WWiSH commission services from.
- Implement a reporting process which enables the WWiSH Partnership Board to understand the issues raised and the improvements made from complaints/concerns.
- Include details in the annual report of complaints/concerns in line with current legislation
- Provide training on complaints/concerns handling for teams as appropriate.

#### **Who can complain?**

A complaint can be made by:

- A service user or any person affected by or likely to be affected by, the action, omission or decision of WWiSH.
- Someone acting on behalf of another person may make a complaint where that person is unable to make the complaint herself/himself or has asked the person to make the complaint on her/his behalf.
- Where people are unable to make a complaint themselves, the representative will need to have, or have had sufficient interest in their welfare and be an appropriate person to act on their behalf.

#### **Complaints not covered by this policy**

- Complaints and grievances by members of staff relating to their contract of employment. Employees should raise such issues with their Line Manager and Human Resources Department.
- Complaints by an independent provider about contracts arranged by the WWiSH under its commissioning arrangements.
- Panel recommendations and Agency decisions where it is not about process. (Complainants can within 28 days of a qualifying determination, make representation to the Agency or to the Secretary of State through the Independent Review Mechanism).

- Complaints which have already been investigated, or are currently under investigation by another body.

### **Conciliation and mediation**

Where issues cannot be resolved, independent mediation and conciliation arrangements may be made available on a case-by-case basis. Requests for intervention of this type will be reviewed and considered by the Partnership Board.

### **A complaint that covers the practice of more than one agency**

On receipt of the complaint (written or verbal), the Principal Manager will acknowledge the complaint and seek consent for the sharing of information for the purposes of the complaints investigation only. The acknowledgement should explain that the organisations concerned will investigate and provide a single joint response and ensure the complainant is aware of advocacy agencies able to offer assistance. The lead agency will be determined by the social care agencies, and in accordance with the complainant's preferences as far as possible.

The complainant's consent, preferably in writing, to the sharing of information between agencies should be sought before passing on or sharing of information under this protocol.

If the complainant withholds consent to the complaint being passed to the other organisation, the Principal Manager will still seek to engage with him/her to resolve any issues or concerns about remit and responsibility and offer any liaison which could contribute to the resolution of the matter of concern. The complainant should be reminded of his/her entitlement to make direct contact with the other organisation.

The only circumstances in which a complainant's lack of consent could be overridden would arise if the complaint included information which needed to be passed on in accordance with Safeguarding Children, Protection of Vulnerable Adults procedures or any criminal activity.

### **Complaints Procedure**

#### **Our Promise**

- Complaints will be received positively, however they are made;
- We will carry out impartial and confidential investigations;
- We will make sure that our staff are trained to handle complaints effectively and will try to deal with complaints at the first point of contact where we can;
- When we have got it wrong, we will apologise and put things right where we can;
- We will respond to complaints within the timescales outlined in Wigan's Complaints Procedure
- We will keep the complainant updated on progress, and advise what will happen next;
- We will explain how we make our decisions;

- We will learn from what we are told and use feedback to improve our services;

### **The Complaints Procedure**

We will always try to resolve complaints at the point of contact by talking through problems with our service users without the need to go through our formal complaints procedure. This can save a great deal of time, distress and cost. If we are unable to resolve the complaint to the complainant's satisfaction then we will tell them how to proceed within the formal procedures outlined below:

Stage 1 – complaint investigated by a Manager within the Service.

Stage 2 – review by an independent person or senior manager

#### **Complaints Procedure - Stage 1**

A complaint will be progressed under Stage 1 of Wigan's formal Complaints Procedure when:

- We can't resolve the problem informally;
- The service user tells they wish to make a formal complaint;
- We believe it is necessary to use the formal procedure to resolve or respond to the complaint.

Complaints at Stage 1 will be investigated by a manager within the service as appropriate.

The full response will advise how to progress to Stage 2 if the complainant is still unhappy.

#### **Complaints Procedure - Stage 2**

A complaint will be reviewed at Stage 2 if:

- The complainant is unhappy with **how** the complaint was handled at Stage 1;
- The complainant is unhappy with the response received.

We do ask you to please tell us within 20 working days of receiving the full response at stage 1, if you wish to progress on to stage 2

Stage 2 complaints will be investigated by an a person independent of WWiSH, who will review how the complaint was dealt with originally to decide if:

- The complaint was investigated thoroughly, objectively and honestly;
- The conclusions reached are based on evidence obtained; and
- The response was reasonable, appropriate and tried to achieve resolution.

We aim to provide a full response within 25 working days from receipt of the complaint. This may be extended to 65 working days if the complaint is complex or enquiries take longer than expected.

### **Stage three**

If you are not happy with the full response at stage 2, please write to us again, within 20 working days to request a review panel. The panel is made up of an independent chair and two other independent people. They will listen to you and hear how the complaint has been dealt with and consider whether the local authority adequately dealt with the complaint. The report will go to the Director of Children's Services and you should expect a reply within 20 working days.

who can be contacted on 0300 061 0614 or 0845 602 1983.

### **Local Government Ombudsman**

If the complaint has progressed through the 3 stages of the Council's complaints procedure, and the complainant is still not happy with our response, they can ask the Local Government Ombudsman to review our investigation, who can be contacted on 0300 061 0614 or 0845 602 1983.

The Local Government Ombudsman is an independent body, whose purpose is to provide impartial and prompt investigation and resolution of complaints of injustice through maladministration by Local Authorities.

The Ombudsman can investigate complaints about how the council has done something, but they can't question what a council has done simply because someone does not agree with the Council's decision.

All information in relation to a complaint will be handled in accordance with the Data Protection Act 1998.

### **Related Policies**

There are a number of policies and procedures which may be useful to read in conjunction with this policy:

- Equality and Diversity Policy
- Equality Impact Assessment
- Warrington Council Complaints Policy
- St Helens Council Complaints Policy
- Wigan Council Complaints Policy

### **Useful Contact number**

### **Service Manager WWiSH**

**Debbie Needham**

**Wigan Council**

**People's Directorate - Children, Adults and families**

**Targeted Services  
Oaklands,  
196A Newton Road,  
Lowton, Warrington  
WA3 2AQ  
01942 487200**

**All formal complaints at stage 1, 2 or 2 concerning services provided by WWiSH should be directed here;**

**Complaints & Quality Standards Team (Social Care),**

**Wigan Council,**

**Resources Directorate,**

**PO Box 100, WN1 3DS.**

**Phone: 01942 486179.**

**<http://www.wigan.gov.uk/Council/Contact-us/Childrens-Social-Care.aspx>**

### **Complaints relating to Warrington**

Use the online complaints form [online complaints form](#)

Email us at [contact@warrington.gov.uk](mailto:contact@warrington.gov.uk)

Phone us on: 01925 443322

Write to us at: Contact Warrington, PO Box 5, New Town House, Warrington WA1 2NH

Visit us at: Contact Warrington, 26-30, Horsemarket Street, Warrington WA1 1XL

### **Complaints relating to St Helens**

**The Complaints Officer 01744 671 861**

**Children and Young People's Services**

**Atlas House**

**Corporation Street**

**St Helens**

**Merseyside WA 1 9LD**

### **Contacts for children who wish to complain.**

**Wigan**

**[voiceandengagement@wigan.gov.uk](mailto:voiceandengagement@wigan.gov.uk)**

**01942 487071**



**Warrington  
RLRT-CRSK-YTXK FREEPOST,  
Warrington Borough Council,  
Children's complaints manager,  
Lower ground floor,  
New Town House,  
Buttermarket Street,  
Warrington, WA1 2NH      Tel: 0800 011 3644**

**St Helens**

**Children and Young Peoples Complaints Team**

**telephone (01744 671861)**

**email; [childrencomplaints@sthelens.gov.uk](mailto:childrencomplaints@sthelens.gov.uk)**

**Complaints officer  
St.Helens Council  
Atlas House  
Corporation Street  
St. Helens  
WA9 1LD**

**Ofsted  
[enquiries @ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)      0300 123 1231  
Piccadilly Gate  
Store Street  
Manchester M1 2WD**

**Local Government Ombudsman  
<http://www.lgo.org.uk/contactus>  
PO Box 4771  
Coventry CV4 0EH  
Tel; 0300 061 0614.**

**WWiSH Adoption Service October 2016**