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1. Introduction

1.1 Blackpool Council always aims to provide a high standard of service. We welcome feedback about the services we offer, what we do well and how we can be more effective in sorting out problems. Our customer’s views are important to us and help to ensure that our services are consistently meeting people’s needs. We want to know if our customers are unhappy with a council service, so that we can deal with the specific problem and take steps to avoid it happening again and in doing so, we can improve our services.

1.2 This document sets out how we will deal with your complaints in line with the Local Authority Social Services and National Health Service Complaints (England) Regulations, which came into effect in April 2009. The purpose of this legislation is to provide a single complaints process for people who are receiving services from both the local authority adult social care department and the National Health Service (NHS). The document also sets out how we will deal with your compliments and comments.

1.3 The director of adult services is the responsible person for ensuring that the council complies with the arrangements made under the regulations. They will usually act as the ‘adjudicating officer’, which means they will make any important decisions on complaints and ensure that action is taken if necessary in the light of the outcome of your complaint. This responsibility may be delegated to the relevant head of service.

1.4 The customer relations manager is designated the ‘complaints manager’ in accordance with the regulations and is responsible for managing the procedures for handling and considering complaints in accordance with the agreements made under the regulations.

2. Complaint legislation

2.1 Local authorities are legally required to establish complaints procedures to deal with complaints about their social care functions. This policy produced in accordance with the requirements of the [Local Authority Social Services and National Health Service Complaints Regulations \(2009\)](#). The information below provides further detail on Blackpool Council’s statutory adult Social care complaint process.

3. How to provide feedback

3.1 Customer feedback, including complaints, can be made by any method of contact:

- [Website \(Online form\)](#)

- Email: customerrelations@blackpool.gov.uk

- Telephone: 01253 477700

- Post: Customer relations team, Blackpool Council, PO BOX 4, Blackpool, FY1 1NA

- Customer feedback form: available at council receptions

- Via the allocated social care worker, who will ensure that it gets passed to the customer relations team for action

3.2 We will ensure that our services are accessible equally to all sections of the community who may be in need of them and will not inadvertently discriminate against particular groups. Particular account will be taken of factors such as disability, age, gender, religion, race and sexual orientation.

3.3 If customers require translation or interpretation services or a referral to a local independent advocate service, the customer relations team will be able to assist in sourcing this support.

3.4 For feedback, including complaints, about corporate services, please use the following contact details:

In Writing: Blackpool Council, PO BOX 4, Blackpool, FY1 1NA

[Website](#)

4. Comments and compliments

4.1 Comments are when people, who are not necessarily service users want to make the council aware of something so action can be taken. It could be an opinion, suggestion or a concern. Anyone receiving services, and their friends/family, may make a comment or a suggestion.

4.2 We believe that listening to our customers' comments helps us improve the way we do things. We welcome any suggestions about how we might do things differently or better and are committed to taking things seriously.

4.3 We also want to hear from people when we get things right. This helps us to understand what services people value. When we know what is working for our customers, we can develop as well as share good practice. This ensures we can achieve our aim to continue to learn and improve. Compliments also help us to recognise and reward our staff when they "go the extra mile".

4.4 We will pass comments and compliments on to the relevant service within 3 working days of receipt.

4.5 We will consider feedback in an open minded and impartial way and we will use it to help improve our services.

5. Making a complaint

5.1 We aim to handle complaints quickly, effectively and in a fair and honest way. We take all complaints seriously and use valuable information from investigations to help us improve the service we provide. We treat all complaints in confidence.

5.2 We will try to resolve most concerns on an informal basis at the first point of contact but this procedure explains how our customers can take up matters formally through the council's adult social care complaint process, if an individual feels that the service received from the council is unsatisfactory.

5.3 It is much easier to investigate and respond to feedback if it is provided at the time of the incident. It can be difficult to fully investigate events if they are not reported at the time due to different circumstances such as; people's memories fading, staff may leave the authority or records may no longer be available. For the reasons outlined above, we will not usually look into your complaint if 12 months have passed since the date you learned that something went wrong.

5.4 In relation to paragraph 5.3, we may however accept a complaint for one or more of the following reasons:

- Genuine issues of vulnerability
- We believe that there would be a benefit to you in looking into your complaint
- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out
- Where action needs to be taken in light of human rights based legislation
- There may be other reasons why we would consider your complaint that are not included in this list, we will consider each case on its own merits

5.5 There may be other issues you wish to complain about that are out of the twelve month timescale. The customer relations manager will be happy to discuss whether these can be considered under these procedures.

6. Who may make complaints?

6.1 A person is eligible to make a complaint if they are:

- A service user
- Someone who has been turned down for a service to which they think they are eligible
- The representative of a service user – as long as consent is given, this can be anyone acting on the service user's behalf
- The representative of a service user who has not got capacity within the meaning of the Mental Capacity Act 2005, as long as they are seen to be acting in the interests of that service user, or on behalf of somebody who has died
- Anyone who is or is likely to be reasonably affected by the actions, decisions or omissions of the service that is subject to a complaint

6.2 A complaint may be about the following:

- Any service or lack of service provision
- A failure to consider all relevant information when coming to a decision
- Staff attitude
- Delay or failure to respond to a request for service or an inquiry
- Failure to provide a suitable standard or level of service

6.3 If a service user is unhappy with the care you have received from a care provider such as a care home, nursing home or home-care agency you should contact the service directly to make a complaint, this gives the provider an opportunity to put things right for you. If the council has arranged the care and pays for your care, should you remain dissatisfied with the response you receive from the provider, you can then submit your complaint to the council. You can also choose initially to complain directly to the council.

6.4 If a complaint is made on behalf of another person, we will need that person's consent in order to share their personal information with the person making the complaint. We will also consider whether the individual is acting in that person's best interest before investigating the complaint. If we receive such a complaint without consent, we will contact the individual and advise of the need to get the person's consent. If we are unable to obtain consent, we are unlikely to investigate the complaint. However, if the complaint raises concerns about someone's safety or wellbeing we may treat it as a safeguarding referral. We will write to the individual explaining our decision.

6.5 The council may refuse to deal with complaints made without the permission from the person who is the subject of the complaint or if it is felt the representative is not acting in the service user's best interest.

6.6 If a complaint is being made on behalf of someone who is deemed to 'not have capacity' as defined by the Mental Capacity Act, the complaint will only be considered if we are satisfied that the person is acting in the service user's best interest. If we have reason to believe they are not acting in that person's best interest we will not consider the complaint and will advise of the reason for our decision. In such cases the individual has the right to refer the complaint to the Local Government and Social Care Ombudsman.

6.7 Complaints received anonymously will be considered by the service concerned and where required, the appropriate investigations and actions will be carried out.

7. If you need help providing feedback

7.1 We will ensure that our services are fully accessible to all sections of the community who may be in need of them and we will not discriminate. Particular account will be taken of peoples' characteristics that are protected under the Equality Act 2010.

7.2 If you would like this document in another language or format, or if you require the services of an interpreter, please contact us. We can also provide help for British Sign Language users and provide information in other languages. Please ask for details or telephone 01253 477477.

8. Using an advocate

8.1 Advocacy is a way of supporting people to enable them to have their voice heard, and their views and wishes made known to others. Advocates work are **independent and impartial** and with individuals to ensure that they are treated fairly and that their rights are upheld and respected.

8.2 **The Blackpool Advocacy Hub** provides free, independent and confidential health and social care advocacy support to adults in Blackpool who are vulnerable or disadvantaged. For further information or if you require the support of an advocate, you can contact the Blackpool Advocacy Hub via the following;

- Email: info@blackpooladvicacyhub.org.uk
- Telephone: 0300 32 32 100

- Website: <http://www.blackpooladvocacyhub.org.uk/>

8.3 Please note: The health and social care advocacy service only applies to those who have the mental capacity to instruct an advocate, and are not under a section.

9. When does the adult social care complaint process not apply?

9.1 Some complaints involve matters which are more appropriately dealt with under other council procedures or are outside of the council's jurisdiction. In these cases, we will let the individual know which elements of the complaint, if any, we can look at and under which procedure we will investigate the matter.

9.2 Services that are arranged and paid for through a direct payment or individual budget - Service users and their representatives cannot raise issues under this procedure about services that they arrange and pay for through a direct payment or individual budget. However, we will look at issues about our role in organising your direct payment/individual budget, for example, assessing needs or any advice and assistance given in setting up the direct payment/individual budget.

9.3 If an individual is unhappy about a service they arrange and pay for through a direct payment or individual budget, they may make a complaint directly to the Local Government and Social Care Ombudsman.

9.4 Mental Capacity Act - Under the Mental Capacity Act, health or social care professionals can assess a person as lacking capacity and make decisions or carry out actions on behalf of that person. When we make such a decision, you cannot challenge it using this procedure. Guidance on how an individual can challenge decisions made under the Mental Capacity Act is included in the Mental Capacity Act Code of Practice, which is available from the Department of Health.

9.5 A decision made by an approved mental health professionals (AMHP) on an application under the Mental Health Act 1983 falls outside these procedures as they act in a personal capacity and not on behalf of the local authority. However, complaints about the AMHP's actions or the process of the assessment can be considered under these procedures

9.6 If an individual feels that there has been a fault in the decision-making process it may be appropriate for them to use the complaints procedure, however, there are a number of other resolution options available. The individual should discuss these with the relevant care manager. Although a best interest decision cannot be overturned through the complaint procedure, if it is found that there was a fault in the decision-making process, a re-assessment may be carried out.

9.7 Where we deem someone to 'lack capacity', an independent mental capacity advocate (IMCA) may be involved in the decision-making process. If the complaint is around the actions of an IMCA in the first instance, an individual should approach the IMCA or their manager and use the service provider's complaints procedure. Following this, if the individual still has concerns, we can look into the complaint. An independent mental capacity advocate (IMCA) may also use this complaints procedure if necessary to try to settle a disagreement with the council.

9.8 Legal proceedings – This procedure cannot be used to challenge decisions of a court. Where it is intended that there will be, or there are, ongoing legal proceedings in relation to a complaint we may investigate the matter unless we feel it could prejudice the legal action. If we decide not to investigate the complaint, the individual will be advised of this. We may investigate the complaint after the legal proceedings have finished, if it is appropriate to do so.

10. The stages of the adult social care complaints process

10.1 We will try to resolve most concerns on an informal basis at the first point of contact. If a complaint is received and can be resolved within 24 hours it will not be logged as a formal complaint

Stage 1: Formal complaints

10.2 A senior officer within the service that is the subject of the complaint will investigate the complaint on behalf of the director of adult services. The officer will not have been involved in the decision or action against which the complaint is being made. Acknowledgement of receipt of the complaint should be provided within 3 working days.

10.3 While the regulations allow a maximum of six month to investigate a complaint, the service will aim respond to a complaint within 20 working days. If the complaint is going to take longer than this to complete, an interim letter will be sent explaining the reasons why and providing an anticipated date for response.

10.4 The individual should be advised of any further steps that they could take if they are not satisfied with the decision. The council will normally only review complaints if the individual responds to the decision letter within 28 days stating why they disagree with the outcome

The final stage: Local Government and Social Care Ombudsman

10.5 If the individual remains unhappy, they have the right to contact the Local Government and Social Care Ombudsman

10.6 The Local Government and Social Care Ombudsman is an independent body who investigates complaints about councils. However, the Ombudsman will usually only investigate complaints when the council's own complaint procedure has been exhausted

10.7 The Local Government and Social Care Ombudsman can be contacted in the following ways:

- **Website** - lgo.org.uk
- **Telephone** - 0300 061 0614
- **Text** - 'call back' to: 0762 480 4323
- **Online feedback form** - lgo.org.uk/making-a-complaint
- **Post** - The Local Government and Social Care Ombudsman | PO Box 4771 | Coventry | CV4 0EH

10.8 The Local Government and Social Care Ombudsman will not normally investigate a complaint until the council has had an opportunity to respond and resolve matters.

11. Protecting the vulnerable

11.1 Some complaints received by the council may reference to safeguarding concerns for an adult at risk of harm. An adult at risk of harm in this context is usually understood to have needs for care and support (whether or not the authority is meeting any of those needs) and because of those needs is or may be unable to protect themselves against abuse or neglect or the risk of it. Abuse and neglect in this context is given to mean a violation of an individual's human and civil rights by any other person or persons (No Secrets DH 2000).

11.2 Whilst the details of the complaint will be considered, the safety of the service user is paramount and takes precedence over any other procedures.

12. Abusive, persistent or otherwise unreasonable individuals

12.1 Blackpool Council aims to treat all individuals fairly and as far as possible will ensure that the substance of any complaint is addressed. However, the council also has a duty to effectively manage public funds by ensuring resources expended on handling complaints are proportionate.

12.2 There are a small number of individuals who pursue their complaints in ways that are unreasonable, and/or who take up an unwarranted amount of council resources. In such circumstances, the council may choose to apply its policy on the management of unreasonable and persistent behaviour, which has been drawn up in line with guidance issued by the Local Government and Social Care Ombudsman. Such action is very rare and not taken lightly and individuals will be informed before any restrictions are applied to them in order that they might moderate their behaviour.

12.3 Examples of unreasonable actions and behaviours include:

- Refusing to co-operate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of the complaints procedure
- Making unjustified complaints about staff who are trying to deal with the issue, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Introducing trivial or irrelevant information at a later stage
- Frequent, lengthy contacts and repetitive information
- Submitting repeat complaints with minor additions/variation
- Refusing to accept the decision; repeatedly arguing points with no new evidence

12.4 The council will notify the individual deemed unreasonably persistent of the action it proposes, which may include terminating contact with them.

12.5 The council will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from individuals and will take appropriate and proportionate action should such circumstances arise.

13. Complaints involving more than one social care service

13.1 Where a complaint covers more than one service, a single council reply should be provided and this should be co-ordinated by the service that is the subject of the largest part of the complaint

13.2 If there is a reason why we will not be providing a single reply, this will be explained.

14. Care standards complaints and social care provider complaints

Where there is a complaint about a service which the council is responsible for but which is delivered by a third party, for example a care at home provider or a care home, the council would be found accountable for any service failure

14.2 Where an individual receives a service from a provider commissioned by the local authority the individual may complain:

- Directly to the external provider or
- To adult social care or
- To both organisations

14.3 The individual shall be informed by the organisation receiving the complaint of their right to use either or both procedures. Where the individual chooses to use the local authority complaints procedure, the complaint will be considered under these procedures, as if the service were directly provided by the local authority

14.4 Where the individual chooses to use the provider's own complaints procedure, they may still refer back to the local authority if dissatisfied with the response offered. At this point, the local authority will consider whether there is anything further that can be done to resolve the complaint. Complaints, which have been considered under this procedure, may be referred by the individual to the Local Government and Social Care Ombudsman

15. Joint complaints with the health service

15.1 Local authorities and health services continue to work more closely together. Jointly managed services involving health and social care are increasing.

15.2 The expectation is that organisations within health and social care that deliver joint packages and services to patients/service users will work together in resolving complaints

15.3 Blackpool Council is part of the Lancashire and South Cumbria Joint Health and Social Care Complaint Protocol

15.4 The objective of the protocol, wherever possible, is to offer people making complaints a single and agreed point of contact and a single co-ordinated and consistent response to their complaint, which will provide:

- A better experience and outcome for patients and service users that complaint
- A better opportunity to share best practice and learning from complaints for all the organisations involved
- Better accountability between organisations
- An improved organisational reputation as patients/service users see organisations are working together to resolve their complaints

15.5 The protocol is a complaints management tool that will reduce the need for patients and service users to make multiple complaints to a number of health and social care organisations that may be providing services to them.

15.6 The protocol enables co-ordination of a complaint by one lead organisation, who will liaise with the other organisations to investigate and resolve the complaint and provide one integrated response. An individual will be notified if the joint protocol applies. Consent may be required to share details of the complaint with the other organisation.

16. Keeping records

16.1 The council aims to resolve issues immediately at the first point of contact thus negating the need to invoke the formal complaints process.

16.2 Records should be retained electronically for all formal complaints.

16.3 Detailed information on individual complaints should be treated confidentially with access limited to those involved in resolving the matter.

16.4 Records on individual adult social care complaints should be stored electronically for 6 years from the end of their administrative use.

16.5 Within each service, mechanisms should be put in place for ensuring that any suggestions for service improvements arising from complaint investigations are considered and followed through as appropriate.

11.6 A General Data Protection Regulation (GDPR) Privacy Notice tells customers what to expect the council to do with their personal information when contact is made with the council or a council service is used. [Information on the council's privacy notices](#).

Blackpool Council

Municipal Buildings
Corporation Street
Blackpool
FY1 1NF

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