



## **PROTOCOL FOR HANDLING INTER-AGENCY HEALTH AND SOCIAL CARE CHILDREN SERVICES COMPLAINTS WITHIN HULL JANUARY 2022**

### **Introduction**

New legislation governing health and social care complaints handling became operable on 1 April 2009. There is now a single approach for dealing with complaints across health and social care services. The guidance accompanying the national regulations highlights the importance of organisations involved in situations where a complaint covers more than one health and social care organisation, providing a single point of contact and a single response.

It is recognised that dealing with a wide range of health and social care organisations can be confusing for people. This protocol has been developed by representatives from Hull City Council and NHS Hull Clinical Commissioning Group to simplify the complaints process when this involves more than one agency and improve accessibility for users of health and social care services.

### **1. Aim**

The aim is to provide a framework for dealing with complaints involving more than one of the participating agencies (where the complainant agrees) and, where possible, to ensure:

- An agreed joint approach between relevant agencies on how the complaint will be responded to, either a combined reply or individual replies. A clear indicator to show which agency is responsible for each part of the complaint.
- Regular and effective liaison and communication between complaints managers and complainants
- An open, flexible process focused on resolving complaints locally with a more personal and comprehensive approach, and
- That learning points arising from complaints covering more than one body are identified and addressed by each organisation.

### **2. Role of the Complaints Manager**

2.1 The designated complaints manager in each organisation that signs up to this protocol is responsible for:

- Co-ordinating whatever actions are required
- Co-operating with other managers and agreeing who will take the lead role in inter-agency complaints
- Ensuring that there is someone else to whom any requests for collaboration can be addressed when they are absent

2.2 If complaints managers are unable to reach agreement about any matter covered by this protocol, they will refer to directors/senior managers in their organisations for resolution.

### **3. The lead organisation**

3.1 The lead organisation will initially be the agency that receives the complaint or the organisation where the bulk of the complaint sits. Once the relevant partner agencies have been identified and contacted, the method of response will be agreed with the complainant.

3.2 When determining which organisation will take the lead role in a joint complaint, the following will be taken into account:

- Which organisation manages integrated services
- Within which organisation do the most serious parts of the complaint issue reside
- Whether a larger number of the issues in the complaint relate to one organisation compared with the other organisation(s)
- Which organisation originally received the complaint (if the seriousness and number of complaints are about the same for each one)
- Whether the complainant has a clear preference for which organisation takes the lead

3.3 The lead organisation will initially be the agency that receives the complaint. Once the relevant partner agencies have been identified and contacted, the method of response will be agreed with the complainant.

In the case of a joint reply, see point 4.1 below.

3.4 In the case of separate replies:

- Proforma created that breaks down the complaint into separate issues.
- Agency responsibility identified for each point
- Agreement on timescales and customer contact defined for each agency
- Responsibility of contacting/updating the complainant falls to each agency

### **4. Complaints about one organisation addressed to another organisation**

4.1 On occasions, a complaint that is concerned in its entirety with adult social services is sent to an NHS body, or vice versa. The complaints manager or the organisation receiving such a complaint should:

- Contact the complainant within three working days
- Advise them that the complaint has been addressed to the wrong organisation
- Ask if they want it to be forwarded to the other organisation on their behalf.

4.2 Provided the complainant agrees, the complaint should be sent to the other organisation immediately and a written acknowledgement should be sent to the complainant, detailing where/to whom the letter has been sent, including contact details.



## **5. Complainant's consent about sharing information between organisations**

5.1 By law, all organisations have to ensure that information relating to individual service users and patients is protected, in line with the requirements of the Data Protection Act, Caldicott principles and the confidentiality policies of each signatory organisation.

5.2 The complainant must give their consent before information relating to the complaint is passed between organisations. Wherever possible, this should be in written form, but otherwise verbal consent should be recorded and logged onto the organisations complaint system. The complainant is entitled to a full explanation of why their consent is being sought.

5.3 If the complainant does not agree to the complaint being passed to the other organisation, the complaints manager of the receiving organisation should:

- Seek to resolve any issues or concerns with the complainant about remit and responsibility
- Offer any liaison that could contribute to resolving the matter, and
- Remind the complainant of their entitlement to contact the other organisation direct.

5.4 The only circumstances in which a complainant's lack of consent can be overridden is if the complaint includes information that needs to be passed on in accordance with Safeguarding Children or Protection of Vulnerable Adults procedures, or other service user safety issues. In such cases, the complainant is entitled to a full written explanation about the organisation's Duty of Care and its obligation to pass on the information.

5.5 Close co-operation between complaints managers is crucial to ensure that confidential case file information is shared appropriately and that the necessary safeguards are put in place.

5.6 Information exchanged under this protocol can be used only for the purpose for which it was obtained.

## **6. Responsibilities of the Lead Agency**

6.1 The lead organisation must ensure that:

- They identify the responsible agency for each aspect of the complaint
- They communicate with colleagues in all affected organisations, via the complaint's services
- They acknowledge receipt and offer to discuss the complaint with the complainant within three working days
- They agree timescales with the complainant and other agencies. Agencies should seek to avoid any unnecessary delay. If difficulties arise with meeting the



timescale, the complainant should be consulted at the earliest opportunity with the aim of reaching agreement of a revised timescale

- The complainant is kept updated on action being taken
- They answer any queries during the process, in consultation with the other agency/agencies
- All agencies involved are in agreement with the agreed approach to responding to the complaint.
- Any learning points are identified and included in the response to the complainant. This information should be made clear from all agencies involved, to assist the lead agency with this aspect.

## **7. Learning from complaints**

7.1 Each individual agency should take responsibility for identifying the lessons learned and actions to be taken as a result of the complaint. Learning points and actions to be taken will be passed to the lead agency for inclusion in the final response to the complainant

7.2 Each individual agency must take responsibility for implementing and monitoring their own learning and all agencies will agree any joint learning.

7.3 It is vital to identify communication, procedural, operational or strategic issues within and across each organisation. It may also be necessary to share information with other organisations when serious concerns are raised about a health or social care worker.

7.4 If appropriate, organisations can achieve this using questionnaires to complainants and satisfaction surveys that reflect action taken and improvements in practices following complaints investigations, spanning all organisations.

7.5 The organisations involved in the investigation of complaints (at an individual level) should communicate regularly and share lessons learnt. These should include any findings and recommendations that have impact for the relevant agencies involved.

## **8. Review of protocol**

8.1 The respective complaints managers will jointly review this protocol every 2 years or earlier should there be any amendment to the statutory regulations in the intervening period.

Approved February 2022  
Review date January 2024



**Appendix 1**  
**Statement of consent for the disclosure of personal records**

Complainant's name: \_\_\_\_\_

Complainant's address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone number: \_\_\_\_\_

I hereby give my consent for the organisations listed below to share any relevant information in order to complete the investigation into my complaint. I understand that this is likely to include disclosure of my personal records.

\_\_\_\_\_ (Lead organisation)

\_\_\_\_\_ (Organisation)

\_\_\_\_\_ (Organisation)

This will assist the investigation of my inter agency complaint, which is being co-ordinated by:

\_\_\_\_\_ (Name of complaints manager)

Of

\_\_\_\_\_ (Organisation)

The reason for, and the implications of, this have been explained to me by the above-named complaints manager. I understand that information exchanged as agreed by me must be used solely for the purpose for which it was obtained.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix 2

