



# Adult Services Protocol for Handling Multi-Agency Formal Complaints

Between

Heart of England NHS Foundation Trust  
and

Solihull Metropolitan Borough Council  
and

Coventry & Warwickshire Partnership Trust



| <b>Contents</b>   | <b>Page</b> |
|---|-------------|
| 1. Relevant Policies  | 3           |
| 2. Introduction   | 3           |
| 3. Basic Principles   | 3           |
| 4. Seeking Consent to Share Information                               | 3           |
| 5. Sharing Information  | 4           |
| 6. When Consent to Share is NOT Provided                              | 4           |
| 7. Complaints About One Agency that are Addressed to the Other Agency | 5           |
| 8. Learning from Complaints   | 5           |
| 9. Compliance   | 5           |
| 10. Review  | 5           |
| 11. Contact Details   | 6           |

## **1. Relevant Policies**

1.1 These procedures should be read in conjunction with:

- SMBC's ASC Statutory Complaints Policy
- HOEFT's Customer Relations and Complaints Policy & Procedure
- CWPT's Complaints Policy

## **2. Introduction**

2.1 Given the potential for confusion arising from the range of health and social care agencies with which people may come into contact, a complaint management protocol is seen as an effective means of providing an effective and responsive service to complainants.

2.2 Service users should not be expected to have a comprehensive understanding of the relative responsibilities of these agencies and should not have to navigate their way through them in order to have their issues addressed.

2.3 Complainants will be given the advice and assistance they require, in order to make their experience of the complaints process as effective and timely as possible.

2.4 The more general benefits of the protocol will ensure:

- A reduction of confusion for complainants about how their complaints will be dealt with and by whom
- Clarity about the respective roles and responsibilities of the agencies
- Enhancement of inter-agency co-operation

## **3. Basic Principles**

3.1 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 strengthen the existing duty shared by several services and NHS organisations to co-operate with each other in the management of those complaints that cut across organisational and service boundaries. Organisations on either side are under an obligation to work together to provide complainants with reliable information and clear responses and to meet agreed deadlines.

3.2 This protocol aims to ensure:

- An open, flexible process focused on resolving complaints locally and with a more personal and comprehensive approach
- Regular and effective communication between complaints managers and teams
- Clarity about each step of the complaints process, including timescales
- That learning points identified from complaints covering more than one agency are identified and addressed by each organisation

## **4. Seeking Consent to Share Information**

4.1 It will generally remain the case that each individual organisation will manage the complaints which relates to the services it provides. Each agency retains its duty of care to the complainant and must handle its part of the complaint in accordance with its own regulated procedures.

- 4.2 The receiving agency will confirm which issues it will respond to and which have been passed to the other agency to respond to.
- 4.3 Where a complaint relates to both Adult Care and Support Services and the NHS, the receiving organisation should, within 3 working days or receipt, write to the complainant to notify them of the cross-boundary issue and seek written consent for the information to be shared with other agencies. The complainant is entitled to a full explanation of why their consent is being sought.
- 4.4 If it is not possible for consent to be provided in writing, then a clear recording should be made in the file explaining how the complainant has given permission and the reason why written consent cannot be provided. Consent should only be sought once and should cover all agencies.
- 4.5 Where the service user does not have capacity to consent, then consent to share information must be sought from their representative. It will be for the Complaints Manager to establish if the person making the complaint has sufficient interest in the welfare of the service user and if they are the appropriate person to act on their behalf (this may be done in conjunction with the professionals managing the case).

## **5. Sharing Information**

- 5.1 Once consent is received, the receiving agency should pass the details of the complaint to the responsible agency, including contact details for the complainant and/or their representative and a copy of the consent to share.
- 5.2 All agencies should make every effort to ensure that any request for information is responded to efficiently during the complaint investigation.
- 5.3 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 relevant to the feedback and its investigation should be shared. Each agency should be mindful of its duty under the Data Protection Act.
- 5.4 Where appropriate, the agencies should consider a joint meeting with the complainant, if this will facilitate a more effective outcome. Joint conciliation may also be considered.

## **6. Where Consent to Share is NOT Provided**

- 6.1 Where the complainant does **not** consent to their information being shared, the receiving agency will inform the complainant of the contact details for each part of the complaint that relates to other agencies, should they wish to pursue the complaint themselves.
- 6.2 The only circumstances in which a complainant's lack of consent to share can be overridden are if the complaint includes information that needs to be passed on in accordance with Safeguarding or Protection of Vulnerable Adults or other service user safety issues. In this instance, the complainant is entitled to a full written

explanation about the Duty of Care and the obligation for agencies to share such information.

## **7. Complaints About One Agency that are Addressed to the Other Agency**

7.1 On occasion, a complaint that relates solely to Adult Care and Support Services is sent to an NHS body, or vice versa.

7.2 The receiving agency should contact the complainant within 3 working days to advise them that the complaint has been addressed to the wrong agency. The complainant should be asked if they wish for the complaint to be passed to the relevant agency and, if consent is provided, the complaint should be forwarded immediately. An acknowledgement should be sent to the complainant, providing contact details of where the complaint has been forwarded to.

7.3 If the complainant refuses permission for the complaint to be forwarded, then contact details of the relevant agency should be provided to them, in order for them to pursue the complaint should they choose.

## **8. Learning from Complaints**

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

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

## **9. Compliance**

9.1 There is an expectation that both organisations will comply with the agreed protocol.

9.2 If Complaint 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.

## **10. Review**

10.1 This protocol will be kept under review and will evolve by means of agreed amendments or in relation to any changes in the statutory or regulatory frameworks.

## 11. Contact Details

### **Solihull Council**

Statutory Complaints Team  
Council House  
Solihull  
B91 3QB

0121 704 8296

[statutorycomplaints@solihull.gov.uk](mailto:statutorycomplaints@solihull.gov.uk)

### **Heart of England Foundation Trust**

Patient Services Department

0121 424 0808

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### **Coventry & Warwickshire Partnership Trust**

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