Department: Supported Living Title: Complaints Policy

# **Scope:** This policy outlines the approach taken by Care Stream when dealing with

complaints, compliments and other feedback

**Document owned by:** Care Stream Limited

**Implementation date:**

**Review date:**

**Next review date:**

# **Authors:**

## Policy Statement

Care Stream policy is intended to comply with Regulation 16 of the Fundamental Standard Regulations relating to dealing with complaints in a fair and impartial manner. This relates to both individuals receiving support and staff who would wish to make a complaint within the organisation.

Care Stream accepts the rights of individuals to make complaints and to register comments and concerns about the services received. It further accepts that they should find it easy to do so. It welcomes complaints, seeing them as opportunities to learn, adapt, improve and provide better services.

## The Policy

This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by individuals and their relatives, carers and advocates are taken seriously. It is not designed to apportion blame, to consider the possibility of negligence or to provide compensation; it is not part of Care Stream’s disciplinary policy.

Care Stream believes that failure to listen to or acknowledge complaints leads to an aggravation of problems, individual dissatisfaction, and possible litigation. The organisation supports the idea that most complaints if dealt with early, openly and honestly can be sorted at a local level between just the complainant and the organisation. The complaints procedure is made available to individuals and families in their Individual Guide. A copy is always kept in in their homes and available in a format that can be understood with an easy read complaints document.

## Aim of the Complaints Procedure

We aim to ensure that the complaints procedure is properly and effectively implemented, and that individuals feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

Specifically, we aim to ensure that:

* People being supported, carers and their representatives are aware of how to complain and that the company provides easy to use opportunities for them to register their complaints
* A named person will be responsible for the administration of the procedure
* Every written complaint is acknowledged within 5 working days
* All complaints are investigated within 14 days of being made
* All complaints are responded to in writing within 28 days of being made
* Complaints are dealt with promptly, fairly and sensitively, with due regard to the upset and worry that they can cause to both individuals and staff

## Responsibilities

The Director of Operations is responsible for following through complaints. However, each service will be overseen by the Director of Operations and/or an allocated manager who is responsible for accepting, responding and recording the received complaint/compliment with the responsibility for notification to the Director of Operations.

## Complaints Procedure

## Verbal complaints

* The organisation accepts that all verbal complaints, no matter how seemingly unimportant, must be taken seriously.
* Front-line care staff who receive a verbal complaint are expected to seek to resolve the problem immediately.
* If they cannot resolve the problem immediately, they should offer to get their line manager to deal with the problem.
* Staff are expected to remain polite, courteous, sympathetic and professional to the complainant. They are taught that there is nothing to be gained by adopting a defensive or aggressive attitude.
* At all times in responding to the complaint, staff are encouraged to remain calm and respectful.
* Staff should not make excuses or blame other staff.
* If the complaint is being made on behalf of the individual by an advocate, it must first be verified that the person has permission to speak for the individual, especially if confidential information is involved. (It is very easy to assume that the advocate has the right or power to act for the individual when they may not). If in doubt it should be assumed that the individuals’ explicit permission is needed prior to discussing the complaint with the advocate.
* After discussing the problem, the manager or member of staff dealing with the complaint will suggest a means of resolving it. If this course of action is acceptable, then the member of staff should clarify the agreement with the complainant and agree a way in which the results of the complaint will be communicated to the complainant (i.e. through another meeting or by letter).
* If the suggested plan of action is not acceptable to the complainant, the member of staff or manager will ask the complainant to put their complaint in writing to the Registered Manager. The complainant should be given a copy of Care Stream’s complaints procedure if they do not already have one.
* Details of all verbal and written complaints must be recorded in the complaints log, the service

users’ file and in the home records.

## Serious or written complaints

* Preliminary steps:
  + When we receive a written complaint, it is passed to the designated lead manager, who records it in the complaints log and sends an acknowledgment letter within 5 working days to the complainant.
  + The manager also includes copy of this policy and procedure. (A Designated lead is the named person who deals with the complaint throughout the process).
  + If necessary, further details are obtained from the complainant; if the complaint is not made by the individual but on the individuals’ behalf, then consent of the individual, preferably in writing, must be obtained from the complainant where required.
  + If the complaint raises a potentially serious matters, advice could be sought from a legal advisor. If legal action is taken at this stage, any investigation by the organisation under the complaints procedure ceases immediately.
* Investigation of the complaint by the organisation:
  + Immediately on receipt of the complaint, the complaints manager will start an investigation and within 14 days should be able to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned.
  + If the issues are too complex for the investigation to be completed within 28 days, the complainant will be informed of any delays.
  + Where the complaint cannot be resolved between the parties, an arbitration service will be used. This service and its findings will be final to both parties. The cost of this will be borne by the organisation.
* Meeting:
  + If a meeting is arranged, the complainant will be advised that they may, if so desired, bring a friend, relative or a representative as an advocate.
  + At the meeting, a detailed explanation of the results of the investigation will be given, in addition to an apology if deemed appropriate (an apology is not necessarily an admission of liability).
  + Such a meeting gives the management the opportunity to show the complainant that the matter has been taken seriously and investigated thoroughly.
* Follow-up action:
  + After the meeting, or if the complainant does not want a meeting, a written account of the investigation will be sent to the complainant. This includes details of how to approach the CQC if the complainant is not satisfied with the outcome, utilising the Your Experience button on their website.
  + The outcomes of the investigation and the meeting are recorded in the complaints book, and any shortcomings in company procedures will be identified and acted upon.
  + Care Stream management formally reviews all complaints at least every six months as part of its quality monitoring and improvement procedures to identify the lessons learned.

## Duty of Candour

THE **DUTY OF CANDOUR** is a statutory (legal) **duty** to be open and honest with individuals, and/or their families, when something goes wrong that appears to have caused or could lead to significant harm in the future. Please refer to our Duty of Candour policy.

## Vexatious Complainers

Care Stream takes seriously any comments or complaints regarding its service. However, there are individuals who can be treated as “vexatious complainers” due to the inability of the organisation to meet the outcomes of the complaints, which are never resolved. Vexatious complainers need to be dealt with by the arbitration service, so that the repeated investigations become less of a burden on the organisation, its staff and other individuals.

## Dealing with complaints about confidentiality or information handling

If a complaint relates to confidentiality and/or information handling, the registered manager should be informed. This is in the knowledge that the complaint will be dealt with by the appropriate bodies. The individual lodging the complaint will need to be informed of the relevant steps that have been taken including any investigations that may have arisen as a part of the complaint.

## Complaints excluded from Care Stream’s policy

Care Stream recognises that some complaints will be handled using other processes, including:

* A complaint that is being dealt with or was previously dealt with by legal proceedings or contemplated legal proceedings
* An employees complaint about personnel matters including pay, pensions, disciplinary and grievance issues
* A complaint about a service where Care Stream has no responsibility, such as local authority nomination procedures
* Anonymous complaints
* Complaints about a policy or procedure, or if a policy already has a built-in appeal/review process

## Local Government Ombudsman (LGO)

Since October 2010, the Local Government Ombudsman (LGO) can consider complaints from people who arrange or fund their own adult social care. This is in addition to complaints about care arranged and funded by local authorities, which the LGO has dealt with for more than 35 years.

The LGO’s new role includes those who “self-fund” from their own resources or have a personalised budget. It will ensure that everyone has access to the same independent ombudsman service, regardless of how the care service is funded. In most cases they will only consider a complaint once the care provider has been given reasonable opportunity to deal with the situation. It is a free service. Their job is to investigate complaints in a fair and independent way; they are not biased and do not champion complaints; they are independent of politicians, local authorities, government department, advocacy and campaigning groups, the care industry, and the CQC; they are not a regulator and do not inspect care providers.

The link below is to the LGO’s webpage on “Adult social care” and has a short film that provides an overview of their adult social care service; it explains their role and how the service will benefit both individuals and care providers. A free copy of the film and manuscript is available to download from the same location. <http://www.lgo.org.uk/adult-social-care/>.

The LGO is fully independent of the CQC. They deal with individual injustices that people have suffered and the CQC will refer all such complaints to them. The CQC deals with complaints about registered services as a whole and does not consider individual matters. They can share information with the CQC but only when deemed appropriate. The CQC will redirect individual complaints to the LGO, and the LGO will inform CQC about outcomes that point to regulatory failures.

## Local Authority-funded Individuals

Any individual that is part or wholly funded by their Local Authority can complain directly to the complaints manager (Adults) who is employed directly via the Local Authority.

**Relevant Contacts**

# The Parliamentary and Health Service Ombudsman

Millbank Tower Millbank London

SW1P 4QP

Tel. 0345 015 4033

The Local Government Ombudsman 10th Floor,

Millbank Tower, Millbank, London

SW1P 4QP

Advice Line Tel: 0300 061 0614 (for complainants)

## To Raise Concerns, contact:

The Care Quality Commission Citygate

Gallowgate Newcastle Upon Tyne NE1 4PA

Tel. 03000 61 61 61

They will take details of concerns and respond appropriately and proportionately to the information divulged.

**Related Policies** Adult Safeguarding Duty of Candour Quality Assurance

## Training Statement

All staff receive training in dealing with and responding to verbal and written complaints. The complaints policy and procedures are included in new staff members’ induction training. In order to learn from mistakes, staff group meetings and supervisions are used to discuss formal complaint issues, so that all staff can share and learn from their experiences.