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Compliments and Complaints Policy Procedure

Live  Care

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Author(s)	Registered Manager
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Reviewed by	

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Review Data

Initial Production

Name	Role/Department	RACI	Date
Registered Manager	Registered Manager	RA	03.07.2017
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R = Responsible for document production; A = Accountable; C = Consulted; I = Informed

Change History

Version	Date	Details of Change	Author
2.0	03.07.2017	Re-write and re-structure of original policy in line with most recent legislative updates.	Registered Manager

Emergency Contact Details

Name	Email	Mobile
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CQC Fundamental Standards

Regulation Number	Regulation Details
Regulation 16: Receiving and Acting on Complaints	The intention of this regulation is to make sure that people can make a complaint about their care and treatment. To meet this regulation providers must have an effective and accessible system for identifying, receiving, handling and responding to complaints from people using the service, people acting on their behalf or other stakeholders. All complaints must be investigated thoroughly and any necessary action taken where failures have been identified

Key Lines of Enquiry

KLOE	How this applies to Compliments and Complaints Policy
Effective	<p>This Compliments and Complaints policy is an aspect of effective because an integral part of providing social care is the ability to maintain and improve the quality of service provided to the Client.</p> <p>An effective complaints procedure means that the process is clearly explained, efficient and monitored in order to ensure complaints are handled professionally and successfully.</p>
Responsive	The ability to respond quickly and effectively to a complaint is essential because it allows the complaint to be rectified as quick as possible in order to ensure the service provided is an effective and responsive.

Related Documents

This policy should be read in conjunction with our:

1. **Complaints Form (Appendix 1)**
2. **Compliments Form (Appendix 2)**
3. **Safeguarding Policy**

4. Confidentiality Policy

Policy Statement

Policy Aims

The purpose of this procedure is to maintain and improve the quality of service provided by Living Carers Ltd by ensuring that effective and appropriate action is taken upon receipt of compliments and complaints.

A key consideration is to make arrangements flexible within the parameters of these procedures; treating each complaint according to its individual nature, with a focus on satisfactory outcomes, organisational learning and those lessons leading to service improvement.

Scope

This procedure applies to anyone within Living Carers Ltd **receiving a compliment or complaint about any individual linked to, or any service provided by, the organisation.** This procedure also covers the responsibilities of staff in general, and where applicable, any other people called upon to investigate a complaint.

If a complaint or concern is an allegation or suspicion of abuse, for example sexual abuse, physical neglect or abuse, or financial abuse, it should **immediately be investigated following the appropriate safeguarding policies and procedures.**

In a situation where a person discloses physical or sexual abuse, or criminal or financial misconduct, it must be reported using **appropriate policies and procedures, even if the person does not want to make a complaint.**

In any case involving a vulnerable adult or children, including threat of self-harm and/or harm to others, **all staff should implement effective safeguarding policies and practice,** referring to the appropriate safeguarding board.

Compliments

This policy encourages all kinds of feedback. Anyone who has a relationship with Living Carers Ltd can compliment a member of staff, a team or the organisation.

Compliments can be made using compliment forms (Appendix 2) and are then passed on to staff and their line manager, and used to identify areas of good practice. These are then filed in our compliments folder.

Compliments can be submitted verbally to any member of staff, who will then forward this on to fran@livein.care

Making a Complaint

Key Question: Can I make a complaint about an incident that happened few months ago?

Complaints can be made **twelve months** from the date when the event or subject of the complaint came to the notice of the complainant. If good reasons exist for the complaint not being made within 12 months, and it's possible to investigate the complaint fairly, Living Carers Ltd may still decide to consider the complaint

When a complaint is received, it should be viewed positively, and as an opportunity to improve aspects of the services provided by Living Carers Ltd.

If a member of staff is approached by an individual wanting to make a complaint, they should listen to the complaint and provide a copy of the complaint form. An explanation must be given about the various ways in which the complaint may be made. The complaint can be made either by the complainant, or with the help of a member of staff or an advocate of the complainant's choice in the following ways:

1. Using the **complaint form**, which can be filled in personally;
2. Writing a **personal letter of complaint**.
3. **By email**.
4. **Making a formal complaint verbally, either in person or over the telephone.** (In this event, the person receiving the complaint must make a written record of the complaint, which the complainant should sign in agreement if present, or which is sent out to the complainant to be signed and returned to Living Carers Ltd in a pre-paid envelope.)
5. **Asking a representative to act on their behalf using any of the above routes.**

Whichever method the complainant chooses to voice their complaint, **a written record of the complaint must be made within 24 hours.**

The individual making the complaint must be assured by the person they have contacted that they will be supported throughout the process, and as far as the procedures allow, their confidentiality will be maintained.

Key Question: Will my complaint be kept confidential?

Complaints will be handled in the strictest confidence, in line with our **Confidentiality policy**, the **Data Protection Act**, the **Human Rights Act 1998** and any other legal obligations.

Confidentiality will be maintained so that only managers and staff who are leading the investigation know the contents of the case. Anyone disclosing information to others who are not directly involved in the case should be dealt with under disciplinary procedures.

Information will not be disclosed to third parties unless the complainant or representative who has provided the information has given consent to the disclosure of that information.

However, information will be disclosed if it is in the best interests of a Client, or the protection, safety or wellbeing of a child or vulnerable adult. In these circumstances, escalation should take place in line with safeguarding procedures.

Verbal Complaints

- 1. The agency accepts that all verbal complaints, no matter how seemingly unimportant, must be taken seriously.**
- 2. Front-line care staff who receive a verbal complaint are expected to seek to solve the problem immediately.**
- 3. If they cannot solve the problem immediately, they should offer to get their line manager to deal with the problem.**

4. 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.
5. At all times in responding to the complaint, staff are encouraged to remain calm and respectful.
6. Staff should not accept blame, make excuses or blame other staff.
7. If an advocate is making the complaint on behalf of the Client, it must first be verified that the person has permission to speak for the Client, especially if confidential information is involved. (It is very easy to assume that the advocate has the right or power to act for the Client when they may not). If in doubt it should be assumed that, the Client's explicit permission is needed prior to discussing the complaint with the advocate.
8. After talking the problem through, the manager or member of staff, dealing with the complaint will suggest a course of action to resolve the complaint. 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).
9. If the suggested plan of action is not acceptable to the complainant, then 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 the agency's complaints procedure if they do not already have one.
10. Details of all verbal and written complaints must be recorded in the Complaints log, the Client's file and in the home records.

Serious or Written Complaints

1. Preliminary steps:

(a) When the care agency receives a written complaint, the agency manager will record on a Complaint form and log within the complaints folder and send an acknowledgment letter within three working days to the complainant

(b) The manager will include a copy of the organisation's complaints policy and procedure for the complainant. (The agency manager is the named person who deals with the complaint through the process)

(c) If necessary, further details are obtained from the complainant; if the complaint is not made by the Client but on the Client's behalf, then consent of the Client, preferably in writing, must be obtained from the complainant

(d) If the complaint raises 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 immediately ceases

2. Investigation of the complaint by the organisation:

(a) Immediately on receipt of the complaint, the complaints manager will start an investigation and within 28 days should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned

(b) If the issues are too complex to complete the investigation within 28 days, the complainant will be informed of any delays.

3. Meeting:

(a) If a meeting is arranged, the complainant will be advised that they may if they wish bring a friend or relative or a representative such as an advocate

(b) At the meeting, a detailed explanation of the results of the investigation will be given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability)

(c) Such a meeting gives the agency management the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.

4. Follow-up action:

(a) After the meeting, or if the complainant does not want a meeting, a written outcome of the investigation will be sent to the complainant

(b) The outcomes of the investigation and the meeting are recorded in the Complaint log and any shortcomings in agency procedures will be identified and acted upon

(c) The agency management formally reviews all complaints at least every six months as part of its quality monitoring and improvement procedures to identify the lessons learned.

Receiving a Complaint

Living Carers Ltd will investigate a complaint in a manner appropriate to resolve it as efficiently as possible, proportionate to the seriousness of the complaint.

The member of staff in charge of handling complaints is **Registered Manager, Registered Manager**.

As soon as the complaints form has been completed, this is passed on to the Care and Operations Manager and is acknowledged **within 24 hours**.

The Care and Operations Manager will write to the complainant within **3 working days** of being appointed to manage the complaint, to inform them how their complaint will be managed. This letter must include:

1. an **action plan** for handling the complaint.
2. **realistic timescales** within which the complaint will be managed and timescales for responding.
3. any **further relevant information** regarding the process.
4. an **offer to discuss** the complainant's expectations and desired outcome.
5. **information about providers of independent advocacy services** e.g. the Independent Complaints Advocacy Service or Voice Ability.

The complainant can expect that:

1. **They will be kept up to date.**
2. **Their complaint will be investigated and, where appropriate, they will receive an explanation based on facts.**
3. **Assurance that the matter has been investigated and action has been taken to prevent a recurrence.**
4. **To be informed of any learning for the organisation**
5. **A remedy will be made where appropriate**

Managing the Complaint

The person appointed to manage the complaint must maintain contact with the complainant, informing them of progress being made and of any material changes to the way in which the complaint is being managed: for example, changes to the way the investigation is being carried out, or to the timescales previously given.

The complainant can expect the investigation to be complete no later than **28 working days** after receiving correspondence regarding time frames and an action plan.

Key Question: Will I be informed of the outcome of my complaint?

Yes. Within 28 working days of being appointed, the person appointed to responsible for managing the complaint will inform the complainant of the outcome of their investigations into the complaint. This may be done in person; however, in all cases, a formal written response must be provided to the complainant and / or their advocate.

The response of the complaint will include:

- **An explanation of how the complaint has been considered;**
- **An apology, as appropriate;**
- **An explanation based on facts, detailing how the conclusion(s) were reached;**
- **Whether the complaint is upheld – in full or in part;**
- **The conclusions reached in relation to the complaint including any remedial action that the organisation considers to be appropriate or lessons learnt;**
- **Confirmation that the organisation is satisfied any action has been or will be actioned.**

The written response must include details of the appeals process.

On completion of the complaints process, the person appointed to manage the complaint will ensure that all documentation relating to the complaint is filed appropriately.

Keeping clear and accurate records of complaints is important, and these should be retained for a period of ten years.

Staff Support

All documentation relating to the investigation will be stored securely in the case file. Members of staff named in the complaint (personally or by role) should be informed of the complaint, and fully supported by their relevant line manager. Any investigation should be comprehensive, fair and timely, and should not apportion blame but seek only to improve

Living Carers Ltd will monitor that all staff and Clients are aware of the complaints policy and procedures through training, meetings and reviews, email and the website.

Monitoring and Evaluation

The Registered Manager will log the process of each complaint, enabling results to be reviewed on a regular basis by the Managing Director.

The Managing Director will regularly review complaints in detail and monitor compliance with the complaints procedure on a monthly basis.

Living Carers Ltd will demonstrate **the use of feedback to learn and improve**. An annual report will be produced, which will detail:

- **number of complaints received.**
- **number of complaints received considered to be based on solid evidence or good reasons (complaints upheld).**
- **issues and key themes that the complaints have raised.**
- **lessons learnt.**
- **actions taken, or being taken, to improve services as a result of the complaints made.**
- **number of cases being considered or referred to the Ombudsman.**
- **Equality impact data.**
- **Production of a report for the Managing Director that include identification of trends and highlight issues for audit.**

Quality assurance: Living Carers Ltd will monitor both the effectiveness of the complaints process, and how complaints information is being used to improve services and delivery of care. A system will be established to:

- **Disseminate learning from complaints across the organisation.**
- **Include the use of complaints procedures as a measure of performance and quality.**
- **Use complaints information to contribute to development and service planning.**

Review of this Procedure

This procedure is part of Living Carers Ltd's quality standards. Compliance with the policy and procedures laid down in this document will be monitored by the Registered Manager, together with independent reviews by both Internal and External Audit on a periodic basis.

The Registered Manager is responsible for the monitoring, revision and updating of this document.

This policy will be kept under review in light of operational experience and national guidance. The first review will take place one year from adoption, and positive action will be taken to resolve any issues.

Key Points to Take Away

- All compliments should be forwarded on to fran@livein.care
- Our Complaints Procedure enables any individual or organisation coming into contact with our services to express their views and have those views valued and issues resolved fairly and transparently.
- Complaint investigations will be completed within 28 working days
- It means really listening to and valuing feedback when it is received and seeing it as an opportunity for enhancement and service improvement in line with our approach to continual improvement and Quality Assurance Policy.
- At Living Carers Ltd, the Client is at the heart of our service quality and improvement processes.
- We operate a system to champion client feedback and complaints and we all play an important role in making that system work well.

Learning Outcomes

After reading this Policy, you should:

- Understand that resolving issues fairly, delivering outstanding services and continual improvement is our prime concern in respect to Complaints handling.
- Understand what Complaints handling is and how the Complaints Policy and Procedure operates.
- Understand how Complaints handling operates at *Living Carers Ltd* and have an awareness of the actions we undertake in receiving, processing and resolving issues and in learning where we can make quality improvements.

- Understand the role you play in Complaints handling.

Authorisation and Signature

This Policy is the official and authorised version agreed by the Directors of Living Carers Ltd. All employees are expected to work in accordance with this policy and failure to comply with this policy could result in disciplinary action.

Registered Manager

04.12.2017

APPENDIX 1 – COMPLAINTS FORM

Complaints form

Date of complaint:

Time:

Name of complainant:

Details of complaint: (Please gain as much information as possible including the complaint and preferred contact details)

Complaint taken by:

Please ensure this is passed to the Registered manager as soon as this is received.

Signed by Registered Manager:

Date:

Complaints Form- To be completed by Registered Manager

Date complainant contacted:

Any other information acquired:

How has the complaint been resolved?

Has anything changed as a result of this complaint?

Signed by Registered Manager:

Date:

APPENDIX 2 – COMPLIMENTS FORM

Compliments form

Date of compliment:

Time:

Name:

Details of compliment: (Please gain as much information as possible including the compliment and preferred contact details)

Compliment taken by:

Please ensure this is passed to the Registered manager as soon as possible.

Signed by Registered Manager

Date:

Compliments Form- To be completed by Registered Manager

Date contacted:

Any other information acquired:

Has the compliment been passed on to the relevant person? (Include the date and how this was passed on)

Has anything changed as a result of this compliment?

Signed by Registered Manager:

Date: