

COMPLAINTS

Receiving and acting on complaints

Name: Green Trees Care Home.

Policy Statement

This organisation policy is intended to comply with Regulation 16 of the Fundamental Standard Regulations.

This organisation accepts the rights of residents 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 residents 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 the company's disciplinary policy. This organisation believes that failure to listen to or acknowledge complaints leads to an aggravation of problems, resident 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 residents and families in their Resident Guide.

ADASS have published a Good Practice Guide on Handling Complaints concerning Adults and Children in Social Care settings. They have identified the following five principles:

- Principle one: ensure that the complaints process is accessible
- Principle two: ensure that the complaints process is straightforward for service users and their representatives
- Principle three: ensure that appropriate systems are in place to keep service users informed throughout the complaints process
- Principle four: ensure that the complaints process is resolution focused
- Principle five: ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback

Aim of the Complaints Procedure

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

Specifically we aim to ensure that:

- Residents, 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 residents and staff.

Responsibilities

The Registered Manager is responsible for following through complaints.

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 solve the problem immediately.
- If they cannot solve 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 resident by an advocate, it must first be verified that the person has permission to speak for the resident, especially if confidential information is involved. (It is very easy to assume that the advocate has the right or power to act for the resident when they may not). If in doubt it should be assumed that the resident's 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, 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 company's complaints procedure if they do not already have one.
- Details of all verbal and written complaints must be recorded in the complaints book, the resident's 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 book and sends an acknowledgment letter within 5 working days to the complainant.

- The manager also includes a leaflet detailing the organisation's procedure for the complainant. (Designated lead is the named person who deals with the complaint through out the process)
 - If necessary, further details are obtained from the complainant; if the complaint is not made by the resident but on the resident's behalf, then consent of the resident, preferably in writing, must be obtained from the complainant where required.
 - 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 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 in a position 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 such 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.
 - The company management formally reviews all complaints at least every six months as part of its quality monitoring and improvement procedures to identify the lessons learned.

Vexatious Complainers

This organisation takes seriously any comments or complaints regarding its service. However, there are residents 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 residents.

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 web-page 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 residents 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 Residents

Any resident 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

Local Authority Complaints Manager (Adults)

London Borough of Enfield
Civic Centre
London Borough of Enfield,
Civic Centre
Silver Street
Enfield
EN1 3XA
Tel. 020 8379 1000

Social Services Local Office

London Borough of Enfield,
Civic Centre
Silver Street
Enfield
EN1 3XA
Tel. 020 8379 1000

Police

41 Baker Street
Enfield
EN1 3EU
Tel; 101

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 616161

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

Related Policies

Accessible Communication and Information

Adult Safeguarding

Consent

Dignity and Respect

Duty of Candour

Good Governance

Quality Assurance

Training Statement

The Registered Manager is responsible for organising and co-ordinating training on the complaints procedure.

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, in order that all staff can share and learn from the experiences.

This policy will be reviewed annually by the Partners.

Signed: B Haydon

Date: 18/09/2016

Last Reviewed 31/12/2018

Review Date: 31/12/2019