

Supporting local communities to thrive

COMPLAINTS POLICY AND PROCEDURE

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Policy

1. Introduction

- 1.1 Gateway is committed to providing high quality services in all areas of operation. We recognise that sometimes people may be dissatisfied with our services and/or that we have not treated you fairly and that you may wish to formally complain.
- 1.2 Concerns and complaints will always be taken seriously; they will always be explored thoroughly and responded to in good time.
- 1.3 In our care homes we will show a difference to the way care, treatment and support is delivered, as a consequence of complaints made.
- 1.4 We acknowledge the learning opportunity presented by complaints to allow us the opportunity to put things right.

2. Definition

- 2.1 We consider a complaint to be your expressed view that we have failed to perform or deliver a service that you can reasonably expect Gateway or an agency or person acting on behalf of Gateway to provide. For example, this might be an expressed dissatisfaction about a policy, action, lack of action, or service standard provided either directly or indirectly by Gateway. It may also be dissatisfaction about the quality or choice of food and activities in one of our care homes.

3. Scope

- 3.1 This policy and procedure includes formal complaints from Tenants, Leaseholders, Residents and those directly affected by Gateway operations.
- 3.2 Complaints will also be accepted from the relatives and representatives of care home residents and external professionals who are involved in their care.
- 3.3 Remedies for non-residents may differ to those offered to residents.

4. Policy Statement

- 4.1 The complaints system is designed to give us the opportunity to put things right as quickly as possible.

5. Principles

- Complaints will be investigated seriously, objectively and promptly.
- We will endeavour to resolve complaints without the need for external intervention.

- Complaints will be investigated at each stage by a new member of staff. Staff will not investigate complaints about their own actions.
- Complainants will be treated fairly; Gateway will not discriminate against anyone because they have complained.
- At each stage of the complaint process we will aim to resolve the complaint and to prevent it escalating.
- We will explain how a complaint can be progressed to the next stage if a person remains dissatisfied.
- We will regularly review complaint resolutions and endeavour to learn and improve services as a result of complaints received.
- We will assess our services by the number of times complaints are made about the same issue, among other subjects.

6. Invalid Complaints Subjects

6.1 Care Home residents may make a complaint about any topic at any time.

6.2 Within Housing services, the following are invalid complaints subjects:

- Repairs that have not been previously reported.
- Repairs that are either not completed or partially completed but still within published completion timescales.
- Residents chasing non urgent repairs for the first time.
- Reports of harassment (refer to Anti-Bullying, Harassment & Discrimination Policy & Procedure).
- Reports of anti-social behaviour or neighbour disputes and concerns of residents (refer to Anti-social Behaviour Policy & Procedure).
- Requests for accommodation, mutual exchange or transfer applications.
- Requests for advice or information.
- Complaints about staff while they are not at work or fulfilling a Gateway function (this could be an employment matter and dealt with as a disciplinary matter).

7. Legal Action

7.1 The complaints procedure will not be used while legal action regarding the same issue or closely related matter is being undertaken, as the legal process takes precedence. We will usually defer beginning or suspend a complaint investigation immediately legal action is underway, either by Gateway or against Gateway.

8. Safeguarding

8.1 Where a complaint has been referred to the local authority under its safeguarding procedures, the local authority safeguarding procedures take precedence over Gateway's complaints procedure. Gateway will

implement its own investigations once the local authority process is complete.

9. Advocates

9.1 Gateway welcomes the use of advocates or third parties to support a complainant and recognises that this may be helpful for vulnerable individuals. However, we do not accept the use of lawyers as this is then a litigation process and is excluded from our Complaints procedure.

9.2 Where a resident of a care home has been assessed as lacking capacity under the Mental Capacity Act (2005) we shall actively seek the appointment of an appropriate advocate.

10. Multiple Complaints and Petitions

10.1 A number of people making an identical or similar complaint may be treated as one complaint. Petitions will be treated as a single complaint registered under the lead petitioner.

11. Multi-agency complaints

11.1 If a complaint involves more than one service provider, we will only investigate our involvement in the complaint. We may occasionally decide to act as an advocate on behalf of the complainant with another service provider, but we are under no obligation to do so e.g. where the council has failed to remove an abandoned vehicle from a street or where a care home resident is dissatisfied with the service provided by their GP

12. Mediation

12.1 In some cases we may suggest, arrange and pay for mediation between ourselves and a complainant, in order to resolve a complaint. If mediation is agreed then the complaint will be closed based on the planned mediation and may be escalated if the mediation fails.

13. Timeliness of Complaint

13.1 A complaint must be made (arrive) to Gateway within six months of the event being complained about.

13.2 There are no time limits on complaints regarding risk or safeguarding issues in care homes.

14. Learning

- 14.1 Complaints will be monitored and reviewed with the aim of learning in order to improve services.

Procedure

1. **Registering a Complaint**

1.1 We will accept Complaints made by:

- The Complaint standard form available in reception, by post/email, on the Gateway website.
- Telephone.
- 24 hour voicemail service.
- Letter.
- Direct email.
- Website Form.
- Personal visit to Gateway Offices.

1.2 **In Care Homes**

Care home residents and their representatives can make a complaint to any member of staff at care homes or head office, either verbally, in writing or by email to complaints@gatewayhousing.org.uk.

E-mail – Housing Services & Care Homes

Complaints can be sent to complaints@gatewayhousing.org.uk.

Website Form – Housing Services & Care Homes

Complaints can be submitted via the form on the Gateway website which are sent to complaints@gatewayhousing.org.uk

Personal Callers – Housing Services

Complainants/advocates may request to meet the Quality Assurance Officer or in their absence the Head of Corporate Services to discuss and formulate a potential complaint.

Personal Callers – Care Homes

Complainants/advocates may request to meet the Registered Home Manager or in their absence the Head of Care & Support to discuss and formulate a potential complaint.

Home Visits – Housing Services

If a complainant finds visiting the office difficult, a Home Visit can be arranged.

2. **Timeliness of a Complaint**

2.1 A complaint must be made:

- within **six months** of the date of the event being complained about;
or
- the last time a complainant contacted Gateway about the issue; **or**
- from when the complainant became aware of the issue.
- Exceptions may be made where there are justifiable reasons which prevented the complaint being made earlier.

- There are no time limits on complaints regarding risk or safeguarding issues in care homes.
- 2.2 Where out-of-time complaints are refused the reasons will be communicated through correspondence.
3. **Help with Making a Complaint**
- 3.1 We will work with complainants offering whatever assistance is needed to utilise the service. This assistance may involve arranging:
- Translations
 - Interpreting
 - Alternative formats – recorded, large print text, Braille etc
 - Home visits
 - Sending Complaints Form and a copy of leaflet 11 – “How to make a complaint”.
4. **Advocates**
- 4.1 Advocates or third parties may support a complainant. This includes a friend, relative, carer, Councillor, Citizens Advice Bureau, Social Worker, MPs, Doctor. We do not accept legal professionals as advocates, as this then becomes a litigation process and is excluded from the complaints system.
- 4.2 We will ask Complainants to sign an Advocacy Disclosure Agreement (giving the advocate permission to act on the complainants behalf)
(See Appendix 1: Advocacy Disclosure Agreement in detailed procedures)
5. **Overview of the Complaints Process**
- 5.1 The complaint process has two internal stages and a right of appeal to an independent body as a third and final stage.

	Method	Respondent for Housing Complaints	Respondent for Care Home Complaints
Stage 1	Investigation	Quality Assurance Officer	Registered Home Manager
Stage 2	Review	Director/Head of Service	Director/Head of Care & Support
Stage 3	External	Designated Person: local councillor or any MP or tenant panel recognised by Gateway or Housing Ombudsman Service (> 8 weeks)	Local Government Ombudsman (> 8 weeks)

5.2 There are alternative independent bodies which may, in certain circumstances, undertake the final stage e.g. Leasehold Valuation Tribunal (see **Appendix 2** in detailed procedures for full list of external bodies with relevant jurisdiction)

5.3 The **Care Quality Commission (CQC)** will accept information concerning complaints about care services at any stage, although it cannot get involved in resolving individual complaints. The CQC can be contacted on 03000 616161.

6. **Acknowledging Complaints**

6.1 Complaints will be acknowledged by letter or email within 2 working days of receipt, **excluding the day of receipt.**

The acknowledgement letter will confirm:

- the date of receipt;
- reference the stage of the complaint;
- the subject areas of complaint;
- the target date for a response to be emailed/posted by (not received by);
- who will be leading the investigation by name and title;
- give a control reference number to aid tracing.

7. **Timescales**

7.1 We will always endeavour to resolve a complaint while we investigate how the complaint arose.

Stage of Complaint	Maximum timescale for completion of Stage	Methodology
Stage 1 Investigation (Quality Assurance Officer)	10 working days	Clarification of how investigation conducted, relevant officers assisting, confirmation of investigation outcome in writing including agreed actions
Stage 2 Review (Director/Head of Service)	15 working days	Meeting between Director/Head of Service, Quality Assurance Officer & Complainant to review remedy

8. **Failure to Achieve Target Times.**

8.1 If a complaint is going to take longer to investigate than originally anticipated, we will write again (as soon as we know it is going to overrun) to explain the delay and the new expected completion date. We will also inform the complainant by letter or email.

9. **Appealing against Complaint Investigation Findings – Escalating to the Next Stage**

9.1 If a complainant decides to appeal (elevating the complaint to the next stage within the procedure), they have 30 calendar days to lodge the appeal. The date will be notified in the response letter.

9.2 The exception to this is the Ombudsman or independent stage, where the complainant has six months following the final internal decision to complain to the Housing Ombudsman Service (timescales for other bodies vary).

9.3 **Clarification**

The complainant can request clarification on any of the points made in the response letter without escalating the complaint to the next stage. An acknowledgement letter/email will be sent within two working days and a full response within 10 working days. All correspondence relating to the complaint will be attached to the electronic file in Active H.

10. **Options for Redress when a Complaint is Upheld**

10.1 - We will apologise if published standards have not been met.
- Providing information or/and explanation.
- Revising or introducing a policy/ies.
- Implementing or improving an existing procedure/s.
- Improving an existing element of the service.
- Introducing a new service.
- Explaining how a decision was made.
- Refunding the complainant.
- Paying the complainant's costs: the financial reimbursement for any loss sustained by the complainant, which will return them to the position they would have been in.
- Making an apologetic gesture such as sending flowers.
- Completing additional work beyond what is required: e.g. decorating a room where it is the complainant's responsibility.
- Financial compensation (refer to Compensation Policy and Procedure for guidance on amount and circumstance).

10.2 **Compensation**

Financial payments may be goodwill payments with no admission of liability resulting from failure to provide a service. Payments designated as goodwill gestures will not set a precedent for future actions. The letter should be marked "Without Prejudice" on the top right hand side (so it cannot be used as evidence in legal proceedings).

- 10.3 If a financial payment is the appropriate redress, it should be paid to the complainant as soon as possible. Payments will not be “offered” (with the expectation that the complainant has the option of “accepting” the payment) as this gives an indication that the amount is open to negotiation.
- 10.4 The Compensation Policy provides guidance for both absolute and indicative amounts based upon the incident claimed for.

10.5 Compensation for residents and non-residents may differ.

11. Complaint Conclusion (Closing) Letter

- 11.1 At the conclusion of every complaint investigation, a letter in precise concise language that meets the kite mark of the Plain English Campaign will be sent to the complainant which will include:
- How the investigation was conducted (who the investigating officer contacted, or spoke to, or did)
 - Set out where differences exist between the relevant parties.
 - The investigating officer’s conclusions, usually set out in the same order as the issues being investigated in the complaint .
 - Whether each complaint element is agreed or not- The form of redress, if any.
 - Any overall conclusions that can be drawn from the investigation.
 - Two standard closing paragraphs explaining what the next stage of the complaints procedure is should the complainant be dissatisfied with the letter (Appendix 4 of detailed procedures).
- 11.2 Where the complaint has been made by a care home resident, the outcome of the complaint will be communicated in the way that best meets the person’s communication needs and will normally include a face-to-face meeting. A written record of the meeting will be kept.
- 11.3 Complaints responses will answer all the issues complained about though constituent parts of a complaint can be responded to separately in an interim response in advance of the closing letter.

12. Duty of Candour

- 12.1 We will act in accordance with Regulation 20 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (Part 3): Duty of Candour where a complaint relates to a notifiable safety incident in a care service.