

Complaints & Compliments Policy

POLICY NUMBER & CATEGORY		Care Management Quality Assurance
VERSION NO & DATE	001	15/06/2017
Category	All Staff	
Date Established:	15/06/2017	
ANTICIPATED REVIEW DATE:	15/06/2018	

Policy Review Schedule

Date	Updates (bullets/numbers)	Comments
10/05/2018	Reviewed and converted into the new format. Includes reference to 2014 Good Practice Guide from The Local Government and Social Care Ombudsman, Healthwatch and Parliamentary & Health Service Ombudsman. Template documents also updated to support best practice.	Amended

Introduction

Joymac Care operates the Complaints and Compliments Policy and Procedure in accordance with the Health & Social Care Act 2008 (Regulated Activities) Regulations 2010- Outcome 17 & Regulation 19.

We recognize the need to use complaints as a learning tool for shaping services to meet the needs of our service users. We also recognize the need to reward good practice through the compliments.

Each service user is given a copy of the complaints procedure (also available in an 'easy to read' format) and supported to lodge a complaint e.g. using advocacy services.

Service users and/or their representatives are assured that lodging a complaint or raising a query will not result in any disadvantage or result in the quality of their service being affected.

A summary of the complaints received during the previous 12 months – will be made available to the Care Quality Commission (CQC) or Commissioning Authorities when required. Complaints monitoring is used as part of the Quality Monitoring overview which is published annually and available to Commissioners and CQC on request.

Types of Complaint

A complaint can be made by telephone, in writing, by email or in person.

Informal Complaints:

These are day to day issues and can usually be resolved by simple management measures by the Registered Manager or a senior. If the issue cannot be resolved, the matter will be dealt with as a formal complaint.

Formal Complaints:

Formal complaints will be acknowledged in writing within 7 working days. Joymac Care will carry out an investigation and take action within 28 days of receiving a complaint and the complainant will be notified of the outcomes of the investigation, findings and action taken within this time. Service users will be kept informed of the progress of the complaint throughout the investigation.

Complaint Concerning a Member of Staff:

If the complaint concerns a member of Staff, a record must be kept on their personnel file and depending on the issues, suitable disciplinary action (according to Joymac Care's Disciplinary policy) or other measures taken in accordance with Joymac Care's Safeguarding policies and/or PoVA, PoCA or the Independent Safeguarding Authority (Disclosure and Barring Service) – Outcomes 7 & 17 Regs 11 & 19 apply.

Joymac Care's 'No Secrets' and Whistle Blowing Policies may be used in this instance or for any other type of complaint where applicable.

Complaints Process

- The Registered Manager must be notified if there is a formal complaint.
- The Registered Manager must decide if consent from the complainant is needed in instances where the person lodging the complaint is acting on their behalf.
- The Registered Manager must explain the process and give the timescales by which responses must take place.
- The Registered Manager must record all the details of the complaint in the appropriate format used by Joymac Care
- The Registered Manager must allow time and provide a suitable environment for the complainant to express their concerns.
- The Registered Manager will confirm with the complainant, the key issues and the desired outcomes for the complainant.
- The Registered Manager should confirm with the complainant, the outcome of any investigation and remedial action undertaken.
- The Registered Manager will report the outcomes to the complainant and obtain confirmation that they are satisfied with the investigation and the action taken.
- The Registered Manager will maintain confidentiality at all times and adhere to the Data Protection Act and as far as possible, the anonymity of the complainant if required.

Investigation

The Registered Manager or Responsible Person must carry out the investigation of the complaint unless the circumstances require another more independent and impartial person to conduct it without there being any conflict of interest.

The investigation will proceed with a review of any documentation, interviews with staff, consultation with professionals or other stakeholders.

The investigation will include the following:

- 1) The nature of the complaint
- 2) The outcome desired by the complainant
- 3) The views of witnesses and relevant other
- 4) Details or copies of relevant documentation
- 5) Any initial action taken to resolve the complaint
- 6) The investigating officer's assessment of the problem, including their recommendation for further action

Timescales

Formal complaints should be acknowledged in writing within 48 hours and the details must include the name and details of the investigating officer and detail the complainant's right to contact Social Services and the Care Quality Commission. Timescales for action or investigation must be confirmed to the complainant when the complaint is first lodged. The final outcome should be reached in a time span no longer than 28 days after the complaint has been initially lodged.

Within the 28 day period, the Investigating Officer will inform the complainant of the outcome of their findings in writing. The Investigating Officer will also initiate any action required in response to their findings and will inform the complainant of this. If, following this, the person making the complaint is still not satisfied, an appeal to the local registering authority - either the Local Authority or the CQC (or both) can be made. Details as follows:

**Care Quality Commission,
Concerns and Complaints,
Citygate,
Gallowgate,
Newcastle upon Tyne,
NE1 4PA
Tel: 03000 616161**

Vexation Complaints

In the event that a complainant pursues a complaint unreasonably despite all reasonable attempts to resolve the issue, Joymac Care must maintain a detailed account of the way the complaint was investigated and make sure that no aspect of the complaint has been overlooked.

A complainant may be perceived as being unreasonable if:

- They continue to pursue the complaint despite the complaint procedure being properly and fully implemented and exhausted.
- They make unreasonable requirements or demands outside the capabilities of Joymac Care and/or Staff.
- They interfere with the investigation procedures.
- They threaten or display aggressive or offensive behaviour or language towards Staff or representatives of Joymac Care.
- They raise different new issues during the course of the investigation.
- They refuse to accept factual information or evidence regardless of its source.
- They record any conversations or meetings without prior consultation or agreement with relevant parties.

Compliments

Joymac Care will also keep a record of compliments received and these will be used in the quality monitoring process. When compliments are received, the details will be included in the agenda at the team meetings.

Complaints Form

Date:
Details of complaint:
The outcome that you expect:
Your name:
Signed:
Date received:
Received by (sign):