

## Compliments, Concerns and Complaints - Practice Guidance

### **1.1 Using Policy and Guidance**

All Hesley Group services must operate the agreed Compliments, Concerns and Complaints Policy and Guidance, which is designed to deal with matters that affect the people we support. It is not intended for use by Hesley Group employees who wish to raise a concern or grievance or record a "thank you" to colleagues. Other policies cover such concerns, for example Safeguarding Adults at Risk, [ReS 2.1](#), Fullerton House School Safeguarding and Child Protection Policy, [ReS 2.1A](#), Wilsic Hall School Safeguarding and Child Protection Policy, [ReS 2.1B](#), Bullying and Harassment Policy, [Per 7.3](#), Speaking Up Policy and Guidance, [Corp 5.1](#), and Grievance Procedure, [Per 7.1](#).

A compliment, concern or complaint may be made by a person using the service, or anyone acting on their behalf, such as a parent/next of kin, relative or the person's advocate or funding authority. The procedure can also be used by other interested parties, for example it could be another professional such as a social worker, doctor or nurse, a member of the public or a visitor to the service. *However, if the individual on whose behalf a complaint is being made lacks capacity to give us their consent to investigate, we will need to ensure that any actions we take are **in that person's best interest**.*

There are three internal stages to the complaints procedure:

- Stage 1** Concerns and Complaints - Informal stage;
- Stage 2** Complaints - Formal stage;
- Stage 3** Panel or person independent of the service concerned, nominated by the Chief Executive Officer.

### **1.2 Definition of Compliment, Concern or Complaint**

For the purpose of this policy:

A **compliment** is a **written, oral or otherwise communicated** expression of satisfaction in relation to the performance of an individual, part of the service, or the service as a whole.

A **concern** or **complaint** is when someone tells us they are not happy about a service or something we have or have not done that has had an impact upon them or upon the person they represent.

### **1.3 How to Raise a Concern or Make a Complaint**

It is possible for you to raise a concern or make a complaint in person, in writing, over the phone or by any other reasonable means. Anyone wishing to do this may speak to the manager of the area concerned, or ask for help from any member of staff.

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Alternatively, you may email: [enquiries@hesleygroup.co.uk](mailto:enquiries@hesleygroup.co.uk) or use our online contact form at [www.hesleygroup.co.uk](http://www.hesleygroup.co.uk)

**1.4 Who can Complain?**

You can make a complaint using this procedure if you are receiving a service from Hesley Group or if you are someone who is affected by something a service has or has not done. You can also complain on behalf of such a person.

However, if you make a complaint on behalf of another person who is aged 16 years and above we need that person's consent in order to share their personal information with you. We will also consider whether or not you are acting in that person's best interest before investigating the complaint. If we receive such a complaint without consent, we will contact you and advise you of the need to get the person's consent. If we are unable to obtain consent, we are unlikely to investigate the complaint. However, if your complaint raises concerns about someone's safety or wellbeing we may treat it as a safeguarding referral. The relevant Manager will write to you explaining our decision and what is going to happen.

If you are a Court Appointed Deputy for an individual's care and welfare (or finances if the complaint is about financial matters), a complaint may be investigated without the consent process, providing it fits the criteria for investigation as set out within this Policy and Guidance. People with parental responsibility for children aged 15 years and below may make a complaint on their child's behalf.

If you are making a complaint on behalf of someone who is deemed to 'lack capacity' as defined by the Mental Capacity Act and you are not a Court Appointed Deputy, the complaint will only be considered if we are completely satisfied that you are acting in that person's best interest.

If we have reason to believe you are not acting in that person's best interest, we will not consider the complaint and inform you of the reason for our decision.

A Commissioning Authority may make a complaint about the service being provided.

**1.5 Anonymous Complaints**

If someone makes an anonymous complaint, we will investigate the matter but we will not be able to provide them with a response. If you wish to complain, but do not want to give your name because you are worried that it might affect the service you receive, please be assured this will not be the case. Following an investigation into an anonymous complaint the relevant senior manager will decide what, if any, actions should be taken as a result of the investigation.

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**Policy Document No: Corp 10.1.1****1.6 Non-Qualifying Complaints**

Some complaints involve matters which are more appropriately dealt with under other Hesley Group procedures or are outside our jurisdiction. In these cases, we will let you know which elements of your complaint, if any, we can look at and under which procedure we will investigate the matter.

**1.7 Staff Behaviour and Attitude**

If your complaint is about the attitude or behaviour of a member of a staff it may be appropriate to investigate the matter under Hesley Group's employment/disciplinary procedures. Where this is the case we will let you know how we intend to deal with the matter. However, due to the confidential nature of employer-employee relations we will not be able to provide you with details of the outcome.

**1.8 Insurance Claims**

We will not look into your complaint if the issue is something we should deal with as an insurance claim against Hesley Group. Where this is the case we will advise you of our decision and the reasons for it.

**1.9 Mental Capacity Act**

Under the Mental Capacity Act, health or social care professionals can assess a person as "lacking capacity" to take certain decisions, and make decisions or carry out actions on behalf of that person. When we make such a decision you cannot challenge it using this procedure. Guidance on how you can challenge decisions made under the Mental Capacity Act is included in the Mental Capacity Act Code of Practice which is available from the Department of Health. If you feel that there has been a fault in the decision-making process it may be appropriate for you to use the complaints procedure, however, there are a number of other resolution options available. You should discuss these with the relevant Registered Manager. Although a "best interest decision" cannot be overturned through the complaint procedure, if it is found that there was a fault in the decision-making process a re-assessment may be carried out.

**1.10 Time Limit**

We will not usually look into your complaint if 12 months have passed since the date you learned that something went wrong. However, we may accept your complaint for one or more of the following reasons:

- You are a vulnerable adult and did not complain because you were concerned about what might happen.
- We believe that there would be a benefit to you in looking into your complaint.

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- There is likely to be enough information available from the time the incident happened to enable an effective and fair investigation to be carried out.
- There are enough people available from the time the incident happened to enable an effective and fair investigation to be carried out.
- Where action needs to be taken in light of human rights based legislation.

*There may be other reasons why we would consider your complaint that are not included in this list, we will consider each case on its merits.*

**1.11 Other Non-qualifying Complaints**

The following types of complaints do not qualify to be dealt with under this procedure:

- A complaint about matters which have been fully dealt with under this or other appropriate procedures.
- A complaint by an employee about any matter relating to their employment.
- A complaint about the handling of a request to see the information we hold about you (a Subject Access Request under the Data Protection Act), although we can investigate this under the Information Sharing and Confidentiality Policy.
- A complaint which is made orally and is resolved no later than the next working day.
- A complaint about anything that has been, or is being, investigated by the Local Government Ombudsman or the Health Service Ombudsman.
- A complaint about matters decided by a Court.

**1.12 Safeguarding**

If your complaint involves concerns about your own or someone else's safety, we will make an adult and/or child protection referral and follow the relevant local Safeguarding Policies and Procedures. Where possible, we may carry out a complaints investigation at the same time.

**1.13 Accessibility**

Copies of our policy and procedures may be made available to individuals in appropriate formats, where people's need requires an alternative, for example DVD or audio disc. A copy of the Compliments and Complaints poster and supply of leaflets should be displayed at all times in all staff and duty rooms. An easy-read version is available and is attached to this policy at [Corp 10.1.9](#).

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We aim for each child or adult using our services to have a personalised format to hand in order to access the Complaints Procedure. Any service guides should contain a copy of the procedure.

The Compliments, Concerns and Complaints Procedure should be brought to the attention of interested parties and those who may potentially use our services at the pre-admission stage.

On commencement of a service people we support and their representatives should be given, as appropriate, a copy of the leaflet outlining the Compliments and Complaints Procedure, [Corp 10.1.8](#), and the Easy Read version at [Corp 10.1.9](#).

It is our aim for each child or adult using our services, once the transition period is complete, to have access to their own personalised method of raising concerns/complaints. Where necessary, we will ask an independent advocate or other relative person to provide support with expressing the concern or complaint.

### 1.14 Relationship to other Hesley Group Procedures

The Compliments, Concerns and Complaints Procedure shall be operated independently of all other Hesley Group procedures, such as the Disciplinary ([Per 4.1](#)) and Grievance Procedures ([Per 7.1](#)), Bullying and Harassment Policy, [Per 7.3](#), Safeguarding Adults at Risk, [ReS 2.1](#), Fullerton House School Safeguarding and Child Protection Policy, [ReS 2.1A](#), and Wilsic Hall School Safeguarding and Child Protection Policy, [ReS 2.1B](#).

## 2 Procedures - General

### 2.1 Management

Each service should nominate a suitable manager, to oversee the compliments and complaints processes for that service. The manager will be responsible for ensuring that when a formal complaint is received an investigator is appointed, the timetable for dealing with it is complied with and that the appropriate communications are made with the complainant. It is vital that this person takes the time to meet face to face wherever possible or have some personal contact in order to fully establish the root of the complaint, steps taken so far to resolve it and why these were not satisfactory, also to establish what the person is hoping to achieve as an **outcome**. A paper file should be maintained with all relevant papers for that complaint and containing the complaint progress form. This will be updated at various stages of the complaint by the person responsible for managing that stage.

### 2.2 Monitoring & Reporting

The Operations Director will consider complaints and their outcomes, also compliments, as part of her/his audit schedule. The Quality Team will oversee

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the summary of all compliments and a summary and outcomes of complaints for Hesley Group services and maintain a log of these. Summaries and trends will be provided to the Executive Team and Board in addition to any external parties such as the regulator or commissioning body.

**2.3 Complaints about the Registered Manager/Head/General Manager for the service**

Where a complaint needs to be made against the Registered Manager, Head or General Manager for the service the complaint must be addressed in confidence to the Chief Executive, Hesley Group, Hesley Hall, Stripe Road, Tickhill, Doncaster DN11 9HH or telephone 01302 866906.

**2.4 Recording and Timescales** (please see Procedure, [Corp 10.1.2](#))

It is our aim to resolve informal concerns or worries wherever possible **as soon as they occur** or are reported. **Once made, a Formal Complaint, if not already made in writing, should be recorded in writing by the person receiving it and passed to the nominated Manager.** It is important to spend time with the complainant to understand and to note what **outcome** the person making the complaint is seeking and what has led up to the complaint being made and that the complaint has been recorded accurately. This must also be noted. All complaints shall be acknowledged by a manager within three working days and, whenever possible, resolved within 28 days of receipt of the complaint. In cases where detailed investigations are required and the 28 days' limit cannot reasonably be met, a revised timescale shall be agreed and notified in writing to the complainant.

**2.5 Training**

The effective use of the Compliments, Concerns and Complaints Procedure should be **explained and demonstrated** during the induction process for employees and people whom we support and periodically in employee training programmes.

**2.6 Communications**

Template letters are provided rather than standard letters to enable a personalised and appropriate response to be made that covers all essential information such as 'next steps' ([Corp 10.1.5](#), [Corp 10.1.5a](#), [Corp 10.1.6](#) and [Corp 10.1.7](#)). If communicating by e-mail, a copy of each mail should be retained with the complaints file and in the person's correspondence file.

**2.7 Advice and Support**

Managers undertaking complaints work should seek advice as needed and this will be available from their line management and if necessary from managers or practitioners in other sections of the organisation.

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**Policy Document No: Corp 10.1.1****2.8 Other Policies**

Whilst it is intended that the Compliments, Concerns and Complaints Procedure should operate independently of other procedures dealing with discipline, i.e. grievances, bullying and harassment, safeguarding/protection from abuse and whistle-blowing, it is acknowledged that in practice they will sometimes overlap or need to operate concurrently.

**3 Procedures - Informal** (Please also see Procedure [Corp 10.1.2](#))**3.1 Stage One**

Stage One is the Informal stage of the Complaints Procedure. Most concerns and worries about the service provided will not need to go through the Formal Complaints Procedures if they are properly dealt with. These can usually be resolved by our employees at an early stage. It is important that *everyone*, employees and managers alike, adopt an open and confident approach to trying to resolve concerns at the time they occur. This will in turn improve our ability to achieve good outcomes for the children and adults using our services and reassurance for those people concerned with their wellbeing.

**3.2 Receiving an Informal Concern/Complaint about the Service**

When any of our employees receive a concern/complaint about the service to someone we support the employee should try their best to resolve the concern at this stage. Issues of concern that are raised need to be dealt with immediately wherever possible. It is also important that all employees feel able to make an apology on behalf of Hesley Group that the person has needed to raise such a concern. People deserve to feel confident that they will receive a response that is balanced, has been thought about and that shows some understanding of the complainant's position. It is important that employees feel confident to deal with the matter and that they seek support from their line manager if they do not, or direct the complainant to the right person straight away.

**3.3 Practice Example**

A person's family visits and finds that their son's flat is not as clean as usual and tells the employee on duty. The employee apologises to the person, then says what they will do about it.

It is important that all employees, whatever position they are in, take responsibility for dealing or taking on board such matters and not respond in a way that might be seen to let them 'off the hook' but does not help the person using our service or the person who is concerned. For example, it does not help the situation to say, 'the cleaners haven't been today because we are short staffed' or 'it is the cleaner's job, not ours'. People need to know what we are going to do about the matter. A good response to this concern could be, 'I will get onto our housekeeping service now. They might not be able to come

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straightaway so in the meantime I will do what I can to make things a bit better, I'm sorry you've had to bring it to our attention'.

If the person is satisfied with the response then this can be recorded on the Compliments, Concerns and Complaints Log, [Corp 10.1.3](#). If the person remains dissatisfied a line manager should be alerted. The person may need to be supported to use our Formal Complaints Procedure if they remain dissatisfied.

Contact should be made to establish whether a person is satisfied with the way the complaint has been handled and as satisfied as is possible with the outcome.

It is helpful to log concerns/informal complaints as well as formal ones as they give us valuable information about key issues that need addressing in a service.

### **3.4 Logging and Recording Compliments**

A record should be made of any compliments/positive feedback on the Compliments and Complaints Log, [Corp 10.1.3](#).

### **3.5 Logging and Recording Concerns/Informal Complaints**

A brief record of the complaint/concern and how it was resolved must be made on the monthly Compliments and Complaints Log held in each staff base, [Corp 10.1.3](#). At the end of each calendar month each log will be forwarded via the designated Manager to the Quality Team at Hesley Hall, then a new log started. Compliments can also be recorded, dated and signed if these are made verbally. Concerns that have been resolved need to be recorded, dated and signed.

The summary of complaints is reported upon to the Quality Governance Board, the Executive Team and Board of Hesley Group. They also go toward forming opinions of how effectively a service is performing. It is not necessarily the fact that a complaint has been made that tells a story, but how effectively the complaint is dealt with and that the complainant feels satisfied we have done all we reasonably can to put things right.

### **3.6 Moving to the Formal Process**

Any concerns/complaints that **are not resolved** will need to be moved into the Formal Complaints Stage and a record made on a Complaints Progress Form, [Corp 10.1.4](#), by a relevant manager. The monthly log must also be noted to show that the matter has been entered into the Formal Complaints Procedure. The complaint must then be passed immediately to the designated Manager.



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**Policy Document No: Corp 10.1.1****4 Procedures – Formal****4.1 Stage Two**

Stage Two is the first stage of the **Formal** Complaints Procedure, which allows for an investigation to take place and a formal response to be given. The complaint should be brought immediately to the attention of the Head/General Manager/Registered Manager and acknowledged by them within three working days.

**4.2 Investigation Process**

A manager designated to undertake an investigation using Template Letter 1, [Corp 10.1.5](#). Such a complaint shall be *thoroughly investigated* by a designated manager using all means possible. It is *vital* that the investigator takes the time to meet face to face with the complainant wherever possible or have considerable personal contact, not by letter or e-mail, in order to fully establish the root of the complaint, steps taken so far to resolve it and why these were not satisfactory, also to establish what the person is hoping to achieve as an *outcome* – what they want to happen.

The investigator should not have direct involvement with the immediate line management of the service nor should they be involved with the substance of the complaint itself.

The investigator should be open and receptive to the issues identified as cause for complaint and should avoid any pre-determined outcomes, value judgements or ideas until the situation has been fully investigated and evaluated.

Any investigator should be able to demonstrate some empathy with the person who has made the complaint and an ability to understand how things look from their perspective.

**4.3 Timescales**

If it becomes apparent that the timescale of 28 days is not likely to be achieved an update letter should be sent to the complainant advising them of the reason and of the amended timescale, Template letter 2, [Corp 10.1.6](#). A full response to each element of the complaint and any recommendations should be made to the complainant as soon as possible but in any event **within 28 days** of the person making known their complaint, Template letter 3, [Corp 10.1.7](#). Contact should be made at the end of this process to establish whether a person is satisfied with the way the complaint has been handled and as satisfied as is possible with the outcome.

**Please also see Procedure, [Corp 10.1.2](#).**

## **5 Procedures - Appeal Stage**

### **5.1 Stage Three**

If the complainant **remains dissatisfied** with the response to Stage 2 these procedures *allow* the Chief Executive Officer to appoint either a person independent of the service (adults) or in respect of children in schools will appoint a panel consisting of at least three people who were not directly involved in the matters detailed in the complaint; in the case of children, one panel member will be independent of the management and running of the school.

Allowing an appeal in respect of adult services sits with the Chief Executive of Hesley Group. There may be sound reasons for not allowing an appeal – based on cost v likely outcomes and benefits, people who have been identified as vexatious complainants.

An appeal in respect of pupils who are attending one of our schools will be heard by a panel and arranged by the Chief Executive as set out below.

### **5.2 The Stage Three (Appeal) Process**

#### **5.2.1 Schools and Children's Homes**

In the case of complaints from a child or their parent relating to a Hesley Group School/Children's Home, the process will include the appointment of a Panel. The Panel will include one person independent of the school. This Independent Person must not be a member of the Board or otherwise involved with the management of the school. The process must allow for a parent to attend and be accompanied at the Panel hearing if they so wish.

If the parent does not wish to attend the Panel hearing must still be formally conducted and in line with this policy and guidance.

#### **5.2.2 Adult Services**

In the case of adult services, a person independent of the service (Independent Person) will be appointed by the Chief Executive Officer to look at how the investigation was conducted.

It is important to note that this stage is not likely to involve starting a **new** investigation, rather that the Panel considers the responsible manager at Stage 2 has investigated the matter thoroughly, considered all possibilities for resolution, any legal perspectives and that the investigator followed our procedures properly. The Panel or the Independent Person will decide findings and make recommendations.

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**Policy Document No: Corp 10.1.1****5.2.3 Recommendations**

The Panel (Children's Services) or the Independent Person (Adult Services) may make a range of recommendations in relation to the complaint, for example identify a gap in our original investigation, a shortfall in relation to policies and procedures, training needs, or may conclude that despite these issues the complaint was properly investigated. The length and complexity of this process will differ on each occasion. Sometimes there may be no recommendations.

**5.3 Timescales and Outcomes**

The timescale for Stage 3 will vary and should be agreed at the outset bearing in mind the amount of work required. The decision to use this procedure and the proposed timescale should be notified to the complainant within one working day of the decision being made. Any slippage in timescale should be notified to the complainant as soon as it becomes apparent.

The Chair of the Panel (schools) or Independent Person (adult services) should be advised to liaise with the Director of Quality and Workforce Development at Hesley Group in relation to monitoring progress/timescales or seeking necessary support.

The outcome letter should be sent to the complainant from the Chair of the Panel (Children's Services) or the Chief Executive Officer (Adult Services) within three working days of the outcome being determined. A copy should be forwarded to the Quality Team. See Procedure, [Corp 10.1.2](#).

**6 Learning from Complaints**

Any areas identified as unsatisfactory practice, a non-compliance or potential for non-compliance/near miss must be notified to the Director of Quality and Workforce Development along with actions agreed for bringing the service into compliance. Lessons learned will be recorded as part of the complaints investigation and shall feed into the service's development/action plans.

If the learning process is successful managers should not expect to see the same non-compliances occurring on a regular basis.

Learning from complaints should be an open and shared process and will be reflected in team briefings/group and individual supervisions, and minutes of meetings.

Where necessary policies and guidance will be updated to reflect organisational changes of approach.

**7 Records and Confidentiality**

Records must be maintained of any investigations, the decision-making process, the decision itself. The records must be kept safely in accordance with

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Hesley Group Data Protection Policy, [Corp 14.1](#). However, this must be available to the Head Teacher, Head, Registered Manager, General Manager, Operations Director, Quality Team or any other person authorised by Hesley Group or by law in pursuit of a legal requirement for inspection or investigatory purposes. This includes the police, regulatory bodies such as CQC or Ofsted and the safeguarding children or adults' teams as required.

Powers of inspection or access: Ofsted Education – S109 Education Act 2008; Ofsted Social Care - S31 Care Standards Act 2000; CQC - S60 Health and Social Care Act 2008; Police - Police and Criminal Evidence Act 1984.