

Compliments, Concerns and Complaints - Practice Guidance

1.1 Using Policy and Guidance

All Hesley Group employees will operate the agreed Compliments, Concerns and Complaints Policy, Guidance and Procedures, which are designed to listen and act upon people's views on the standard of service provided to the people we support. The policy will be made available to all parents of students in schools and people we support in care homes through our website and where requested be available from individual services and schools. 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](#), Ivy Lane School Safeguarding and Child Protection Policy, [ReS 2.1D](#) and Wilsic Hall School Safeguarding and Child Protection Policy, [ReS 2.1B](#),

These are not intended for use by Hesley Group employees who wish to raise a workplace related concern or grievance, or to record a "thank you" to colleagues. Other policies apply, e.g. the Bullying and Harassment at Work Policy, [Per 7.3](#), and Grievance Procedure [Per 7.1](#). Where someone is at risk of harm our employees should use the procedures within our Child Protection and Safeguarding Adults at Risk policies, [ReS 2.1A.1](#), [ReS 2.1B.1](#), [ReS 2.1D.1](#) and [ReS 2.1.1](#). Please also see our Speaking Up Policy and Guidance, [Corp 5.1](#). *If there is an immediate risk to the safety and wellbeing of any child or adult, we support please ring 999 and speak to the Police.*

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 their consent to investigate, we will need to ensure that any actions we take are **in that person's best interest**. If we judge it is not in the person's best interest, we will not take action to investigate.*

There are three internal stages to the complaint procedure:

- Stage 1** Concerns and Complaints - Informal stage;
- Stage 2** Complaints - Formal stage;
- Stage 3** Panel (Children's Services) or person independent of the service concerned (Adult Services) nominated by the Chief Executive Officer.

At the conclusion of Stage 3 complainants will be advised within our final response of the Local Authority and Social Care Ombudsman's contact details.

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In Children's services the Stage 3 Panel will be nominated by the Chief Executive Officer and consist of at least 3 people who are not directly related to the matters detailed in the complaint. At least 1 member of the panel will be independent to the management or running of the school or home.

Parent(s) or complainant may be accompanied at the hearing by a person of their choice.

However, legal representation would not usually be considered appropriate.

The panel members will review all paperwork relating to the matter prior to the hearing and may, at its discretion conduct further investigation.

The parent(s) or complainant will be notified in writing, within 5 working days of the hearing, of the panel's findings and of any recommendations made to the school. It should be noted that the panel's findings are not binding upon the school but serious consideration will be given to any recommendations made.

Records of the panels work will be made available to the complainant and where relevant the person complained about and will be available onsite for inspection by the headteacher and/ or proprietor.

Written records of each complaint will be kept by the school or service. All written records will detail:

- at which stage the complaint was resolved and whether formal procedures or panel hearings were involved.
- action taken by the school or service as a result of the complaint (regardless of whether the complaint is upheld)

Records will be held in the strictest confidence except where the secretary of state or body conducting an inspection under section 109 of the 2008 Act requests access to them.

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 people to raise a concern or make a complaint in person, in writing via post or e-mail, over the phone or by any other reasonable means.

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Anyone wishing to do this may speak to the manager of the area concerned, or ask for help from any member of staff.

Alternatively, they may email: enquiries@hesleygroup.co.uk or use our online contact form at www.hesleygroup.co.uk

1.4 Who can Complain?

People can make a complaint using this procedure if they are receiving a service from Hesley Group or if they are someone who is affected by something a service has or has not done. Someone else may complain on behalf of such a person provided they have parental responsibility (for children aged 15 years and under), or if the person has given their consent or lacks capacity to give consent.

If someone makes a complaint on behalf of another person who is aged 16 years and above, we will need that person's consent in order to share their personal information with the complainant. If we receive such a complaint without consent, we will contact the complainant and advise them of the need to get the person's consent.

If the complaint raises concerns about someone's safety or wellbeing, we must deal with the issues raised. We may need to treat it as a safeguarding referral. The relevant manager will write to the complainant explaining our decision and what is going to happen.

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

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 someone wishes to complain, but do not want to give their name because they are worried that it might affect the service they receive, please assure them that 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.

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 this situation we will advise the complainant what the elements of their complaint, if any, we can look at and under what procedure.

1.7 Staff Behaviour and Attitude

If the complaint is about the attitude or behaviour of a member of staff it may be appropriate to investigate the matter under Hesley Group's employment/disciplinary procedures. Where this is the case, we must let the complainant 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 them with details of the outcome.

1.8 Insurance Claims

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

1.9 Mental Capacity Act

Under the Mental Capacity Act 2005, 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 the complainant cannot challenge it using this procedure. Guidance on how they 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 they feel that there has been a fault in the decision-making process it may be appropriate for them to use the complaints procedure. There are a number of other resolution options available. These should be discussed 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 any complaint if 12 months have passed since the date the complainant learned that something went wrong. However, we may accept a complaint for one or more of the following reasons:

- Where a vulnerable adult did not complain because they were concerned about what might happen.

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- We believe that there would be a benefit to the person in looking into their complaint.
- 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.
- Where action needs to be taken in light of human rights-based legislation.

There may be other reasons why we would consider a 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 the person (a Subject Access Request under the Data Protection Act), although we can investigate this under the Data Protection Policy, [Corp 11.1](#).
- A complaint which is made 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 the complaint involves concerns about the person's 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 complaint 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, [Corp 10.1.8](#), 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](#), or 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 Procedures, [Per 4.1](#), 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](#), Ivy Lane Safeguarding and Child Protection Policy, ReS 2.1D 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. This will normally be the Registered Manager/ Head Teacher, who is legally accountable for standards within their service.

The Manager/ Head Teacher or the Responsible Individual/Nominated Individual for the Company 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 the investigating practitioner takes the time to meet the complainant face to face wherever possible or have some personal contact. This is 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

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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. We aim to have electronic systems in place for recording and processing complaints in all services by mid-2022.

2.2 Monitoring and Reporting

The Chief Operating Officer will consider complaints and their outcomes, also compliments, as part of her/his audit schedule. The Quality Team will oversee 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 must 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. The maximum time we would expect a complex investigation to take is six months. The investigating practitioner will keep the manager appraised of progress and the manager will write periodically to the complainant with an update.

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.

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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.

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.