



Compliments, Concerns and Complaints - Guidance

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Printed on: _____ (Date) By: _____ (Name)
Signature: _____

1 Definition of Compliment, Concern or Complaint

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.

2 Our Approach to Compliments, Concerns and Complaints

We use the term 'complaint' in its everyday sense, to mean any statement about a service or member of staff that has not met the standard that people could reasonably expect. Our aim is to put those we support first and provide them with the best possible service. To make this aim a reality it is important that we encourage individuals and their representatives to tell us what they think about the services we provide. We are required by law to have a complaints procedure in place that is accessible to everyone who may need it.

We take a range of steps to ensure our services are of a good quality, including the vetting, checking and training of employees, quality checks and audit processes relating to all aspects of our services including premises and health and safety. We also provide person centred support that aims to meet people's individual needs. We have in place a comprehensive set of policies to assist us in ensuring that we deliver the quality of provision that we promise.

This Policy is there so that people can tell us when we get things both right and wrong so that we respond appropriately.

We understand that sometimes it is difficult to complain. If a person supported by Hesley Group wishes to make a complaint, we will provide them with the support they need in order to make it. All complaints or concerns will be taken seriously.

We will treat people fairly and with respect and anyone making a complaint should be confident that they will be heard. If we uphold a complaint the person who brought it to our attention can expect an apology and for us to put things right quickly. What we ask in return is that people treat our staff with respect.

In addition to resolving the complaint we will use the information we gather during investigation to help us improve the services we provide.

3 Understanding Policy and Guidance

This policy and guidance are not intended for use by 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, employees should use the procedures within the Safeguarding policies; [P&S 2.1](#), [P&S 2.1MC](#), and [P&S 2.1SL](#). Also see the Speaking Up policy [Corp 5.1](#). *If there is an immediate risk to the safety and wellbeing of any Persons 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, e.g. 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.

There are three internal stages to the complaint procedure:

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

See Corp 10.1.2 where this information has been placed in a table format.

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

Parents or the complainant may be accompanied to meetings by a person of their choice. However, legal representation would not usually be considered appropriate.

Written records of each complaint will be kept by the service within the Ulysses electronic governance system. All records will detail:

- At which stage the complaint was resolved
- Action taken by the service as a result of the complaint (regardless of whether the complaint is upheld).

4 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. 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

5 Contacting the Social Care Regulators

A person making a complaint may at any time during the process contact the relevant regulatory body for adult social care:

Adult Services regulator: Care Quality Commission (CQC), who can be contacted at any stage during the process if they feel they need to, particularly if they feel there has been a breach of the law relating to care homes. The contact details for CQC are as follows:

Tel: 03000 616161

Email: enquiries@cqc.org.uk

Fax: 03000 616171

Post: CQC National Service Centre
Citygate,
Gallowgate,
Newcastle upon Tyne
NE1 4PA



6 Who can complain?

Individuals 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 an individual if the individual has given their consent or lacks capacity to give consent.

If the complaint raises concerns about someone's safety or wellbeing, we will deal with the issues raised. We may need to make a referral to the local Adults Safeguarding Team. 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.

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 individual's best interest.

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

7 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.

8 Non-Qualifying Complaints

Some complaints involve matters which are more appropriately dealt with under other 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. Generally the reasons why a complaint is not accepted are:

- The circumstances giving rise to the complaint were beyond our control, or involve matters that concern staff employment standards
- The complaint falls outside the set time period
- The complaint has already been fully investigated

9 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 the company'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.

10 Insurance Claims

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



11 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 options available. These should be discussed with the relevant General or Registered Manager/Head. 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.

12 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:

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

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.

13 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](#).
- Any informal low level 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 or legal body.
- A complaint about matters decided by a Court.

14 Safeguarding

If the complaint involves concerns about the individual’s own or someone else’s safety, we will make an adult safeguarding referral and follow the relevant local Safeguarding policies and procedures. Where possible, we may carry out a complaint investigation at the same time.

15 Accessibility

Copies of our policy and procedures may be made available to individuals in appropriate formats, where people's need requires an alternative. A copy of the Compliments, Concerns 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 of this policy is available, see [Corp 10.1.9](#).

We aim for each individual 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 a time before fully using the service.

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 important for those we support to have a voice, and be heard. Consideration should always be given to interpreting adverse behaviour by a person we support, as their expression of a complaint. For example, where environmental changes have taken place that subsequently lead to an adverse incident, we should consider, record and investigate this as a complaint. For further information on how we aim to enable the people we support to express themselves, see the People's Rights and Having a Say Policy [P&S 5.8](#).

It is our aim for each individual 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.

16 Management

Each service should nominate a suitable manager, to oversee the compliments and complaints processes for that service. This will normally be the General or Registered Manager/Head, who is legally accountable for standards within their service.

The Manager/Head or the 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 important 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 record of the complaint should be maintained on the Ulysses system with all relevant papers for that complaint being uploaded. This record will be updated at various stages of the complaint by the person responsible for managing that stage.

17 Monitoring and Reporting

The Quality team will provide data from the Ulysses system to services and the Executive team as required in relation to compliments and complaints.

The Director of Quality will monitor external concerns including those received from regulatory bodies and via the Safecall system and will report to the Board on a regular basis.

18 Complaints about the General or Registered Manager/Head for the Service

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

The Chief Executive will then make arrangements to hold a risk escalation meeting under the Corporate Risk Management Policy Corp 7.1, and will appoint a suitable investigating officer.

19 Recording and Timescales

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.

All complaints need to be acknowledged by a manager within three working days and, whenever possible, resolved within 28 days of receipt of the complaint.

We will consider complaints made outside of term time relating to Mercury College to have been received on the first term day after the holiday period.

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 apprised of progress and the manager will write periodically to the complainant with an update.

All compliments, concerns, and complaints are reported and recorded onto the electronic governance system (Ulysses).

20 Next Steps

If, at the conclusion of the Hesley Group investigation process, the complainant remains dissatisfied the person making a complaint about Hesley Group Services may complain to the Local Government and Social Care Ombudsman. Please note that the Ombudsman will not consider a complaint until the provider's complaint process has been completed.

The Local Government and Social Care Ombudsman may be contacted at:

LGSCO
PO Box 4771
Coventry
CV4 0EH

Tel: 0300 061 0614



Their website is at:

<https://www.lgo.org.uk/adult-social-care>

21 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.

22 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 individual's correspondence file.

23 Advice and Support

Managers undertaking complaints investigation should seek advice as needed and this will be available from their line management and, if necessary, from managers or practitioners in other departments within the organisation.

24 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.