

# SDA CARE

building independence and  
enabling our young people

## Complaints, Suggestions and Compliments Policy and Procedure

Last Amended N/A  
Last Reviewed June 2019

#WEBELIEVEINYOUNGPEOPLE

<b>Business Impact</b>	MEDIUM IMPACT Changes are important, but urgent implementation is not required, incorporate into your existing workflow.
<b>Reason for this review</b>	Improve usability
<b>Were changes made?</b>	Yes
<b>Summary</b>	Policy reviewed. A new section has been added to the system details in the Key Company Information section requiring you to provide the contact information for your Local Authority Complaints Team. Please update your system details to ensure that the information contained within the policy reflects your service
<b>Relevant legislation</b>	<ul style="list-style-type: none"> <li>• Compensations Act 2006</li> <li>• The Care Act 2014</li> <li>• The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014</li> <li>• Human Rights Act 1998</li> <li>• The Local Authority Social Services and National Health Service Complaints (England) Regulations 20</li> <li>• Mental Capacity Act 2005</li> <li>• Mental Capacity Act Code of Practice</li> <li>• Data Protection Act 2018</li> </ul>
<b>Underpinning knowledge - what have we used to ensure that the policy is current:</b>	<ul style="list-style-type: none"> <li>• Author: Legislation.gov.uk, (2009), The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. [Online] Available from: <a href="http://www.legislation.gov.uk/ukxi/2009/309/contents/made?view=plain">http://www.legislation.gov.uk/ukxi/2009/309/contents/made?view=plain</a> [Accessed: 6/13/2019 12:00:00 AM]</li> <li>• Author: Parliamentary and health service ombudsman, (2017), What to do before you come to us. [Online] Available from: <a href="https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us">https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us</a> [Accessed: 6/13/2019 12:00:00 AM]</li> <li>• Author: Local Government and Social Care Ombudsman, (2018), Single Complaints Statement. [Online] Available from: <a href="https://www.lgo.org.uk/assets/attach/4355/Single%20comms2%20-%20v2.pdf">https://www.lgo.org.uk/assets/attach/4355/Single%20comms2%20-%20v2.pdf</a> [Accessed: 6/13/2019 12:00:00 AM]</li> <li>• Author: NICE, (2018), Decision-making and mental capacity - Guidelines NG108. [Online] Available from: <a href="https://www.nice.org.uk/guidance/ng108">https://www.nice.org.uk/guidance/ng108</a> [Accessed: 6/13/2019 12:00:00 AM]</li> <li>• Author: Competition and Markets Authority (CMA), (2018), UK care home providers for older people advice on consumer law. [Online] Available from: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759257/Care_homes_full_guidance_for_providers.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/759257/Care_homes_full_guidance_for_providers.pdf</a> [Accessed: 8/19/2019 12:00:00 AM]</li> <li>• Author: Local Government and Social Care Ombudsman, (2018), Adult social care guides launched to help providers deal with complaints better. [Online] Available from: <a href="https://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better">https://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better</a> [Accessed: 9/16/2019 12:00:00 AM]</li> </ul>
<b>Suggested action</b>	Encourage sharing the policy through the use of the QCS App

## PURPOSE

To ensure that Social Development Agency Care Ltd has an effective system in place to manage complaints, suggestions and compliments.

To ensure that Social Development Agency Care Ltd complies with any legal requirements, regulations, guidelines and best practice.

To meet the legal requirements of the regulated activities that Social Development Agency Care Ltd is registered to provide:

- Compensations Act 2006
- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Human Rights Act 1998
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Data Protection Act 2018

## OBJECTIVES

- To improve the quality of the Child or young person's experience.
- To ensure that all complaints and suggestions are promptly addressed, resolved and shared within the agreed timescales to ensure that lessons are learned and that the learning improves service quality and delivery.

## POLICY

### Complaints

- Social Development Agency Care Ltd understands complaints to be an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by any children or young people, their family or advocate acting on their behalf, with their consent or in their best interests
- Social Development Agency Care Ltd takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again. This policy sets out the framework for how Social Development Agency Care Ltd will achieve this. The detail of how Social Development Agency Care Ltd will do this will be found in the associated procedures
- Social Development Agency Care Ltd will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions
- Complaints or concerns by staff will be addressed via the Grievance process if the complaint or concerns relates to them individually or Whistleblowing procedure where a protected disclosure is made
- Social Development Agency Care Ltd understands our statutory obligations in respect of the Duty of Candour and will ensure we follow agreed policy and procedure.

Social Development Agency Care Ltd will ensure that the complaints and compliments process at Social Development Agency Care Ltd is fair and transparent and does not discriminate directly or indirectly because of the following:

- Age
- Being or becoming a transsexual/transgender person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation

The complainant will feel free to complain without fear of reprisals and will be treated with courtesy, respect and compassion. Social Development Agency Care Ltd will ensure that the process of how to make a complaint and the feedback is provided in a way that meets the Accessible Information Standards and is in a format that the Child or young person can understand.

### **Seeking Views and Engaging with Children and young people**

Social Development Agency Care Ltd will seek out opportunities to obtain feedback from Children and young people and stakeholders. Social Development Agency Care Ltd will act with sensitivity, integrity and professionalism by treating individuals who do complain or raise a suggestion with compassion, courtesy and respect. The service will protect the young person's right to confidentiality. Social Development Agency Care Ltd will ensure that alternative methods of communication are available so that the complaints and suggestions procedures are accessible for Children and young people who experience difficulties with communication or whose first language is not English.

Staff will undertake training on how to manage complaints in line with their role and responsibilities.

Social Development Agency Care Ltd understands that it can be difficult to separate a complaint from a concern, therefore, Social Development Agency Care Ltd will follow this policy when any dissatisfaction arises with the service.

A full record will be held of all complaints received regardless of the level of seriousness and means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to allow resolution. A record of the complaint will also be held in the child or young person's care file and reported in line with contractual or regulatory requirements.

### **Safeguarding Concerns**

Where a complaint or concern is raised that relates to a Child or young person being harmed or likely to be harmed, Social Development Agency Care Ltd will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Local Authorities Safeguarding Adults team and escalating concerns in line with Local Authorities

procedure. Social Development Agency Care Ltd will also notify CQC in line with our statutory duty.

## **Roles and Responsibilities All Staff**

It is acknowledged that all staff working within Social Development Agency Care Ltd could be presented with an individual wishing to raise a concern or complaint at any time, therefore staff need to be able to manage this in a sensitive, structured and timely manner. In order to do this staff should:

- Be trained on induction and as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure
- Have access to the complaints procedure
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care
- Appreciate that any feedback from Children and young people or their representatives that is of concern needs immediate resolution, where possible, to their satisfaction. Care Plans will be updated to reflect the planned changes to care and the House Manager informed of the feedback. Failing to do this could result in a complaint
- Be clearly advised that on presentation of a complaint, swift escalation to management is necessary and purposefully withholding or concealing of concerns expressed by Children and young people or their representatives could lead to disciplinary action

## **Social Development Agency Care Ltd Management Team**

- The management team at Social Development Agency Care Ltd is responsible for ensuring compliance with this policy, regulations, improvement planning and having arrangements in place to provide relevant reports and information regarding complaints
- House Manager careteam@sdacare.org 0208 239 0148 is the main point of contact for the receipt, investigation and management of complaints within Social Development Agency Care Ltd. However, this may be delegated to a senior member of staff within Social Development Agency Care Ltd who holds the experience, knowledge and competence to investigate and manage complaints
- Social Development Agency Care Ltd will ensure the procedure for raising a complaint is accessible and displayed prominently in Social Development Agency Care Ltd on Social Development Agency Care Ltd's website and within the Child or young person information and guides. Alternative languages and formats should be available on request

## **Compliments and Suggestions**

Social Development Agency Care Ltd welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of our service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Children and young people to support service development and improvement. We will share feedback with our staff.

## **One Complaint, One Response**

Social Development Agency Care Ltd will follow the Local Government and Social Care Ombudsman best practice and where Child or young person are receiving services for more than one organisation, we will ensure they can make a complaint to anyone and be provided with a single response following a joint investigation.

## PROCEDURE

### Raising Complaints

A complaint can be received by Social Development Agency Care Ltd either verbally or in writing and can be made by:

- Children and young people
- Someone acting on behalf of a Child or young person and with their written consent, e.g. an advocate, relative, Member of Parliament
- Someone acting on behalf of a Child or young person who is unable to represent his or her own interests, provided this does not conflict with the Child or young person's right to confidentiality or a previously expressed wish of the Child or young person

Social Development Agency Care Ltd should ensure that Children and young people are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

### Time Limits for Submitting a Complaint

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can and should be waived, if:

- It is still practical and possible to investigate the complaint (the records still exist and the individuals concerned are still available to be questioned, etc.) and
- The complainant can demonstrate reasonable cause for delay in making the complaint. It is at the discretion of the manager of the service if the time limit can be set aside.

### Complaints Procedure:

STEP 1	When a complaint is raised to staff, staff will make an effort to resolve it immediately to the satisfaction of the complainant.
STEP 2	Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in the procedure steps.
STEP 3	Staff will report the complaint to the most senior member of staff on duty and the complaint will be logged.
STEP 4	<p>Formal acknowledgement of all complaints received (whether verbal or written) will be sent within 3 working days to the complainant. This could be via letter or email. Social Development Agency Care Ltd will have a local system in place to manage out-of-hours and weekend complaints received.</p> <p>The acknowledgement will include:</p> <ul style="list-style-type: none"> <li>• An invitation to meet and discuss the complaint</li> <li>• Who will be investigating the complaint</li> <li>• How the investigation will be handled - the response should state what the investigation will be focused on</li> <li>• A time limit for the investigation to be concluded. This should be 28 days, however, some cases may take longer and the complainant will be made aware of this</li> <li>• The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation</li> </ul>

STEP 5	<p>Following a full investigation, a response letter will be sent and this will include the following:</p> <ul style="list-style-type: none"> <li>• A summary of the issue from the complainant's point of view</li> <li>• Details of the evidence and sources consulted in order to investigate the issue fully and fairly</li> <li>• A presentation of the findings for each issue clearly and concisely described</li> <li>• A conclusion, stating clearly whether the issue is "upheld", "partially upheld" or "not upheld"; unless it is ineligible, in which case the reason for this will be given, e.g. out of time or out of jurisdiction</li> <li>• An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue</li> <li>• An apology where the issue is upheld and shortcomings or failings have been found</li> <li>• The complainant's rights if not satisfied with the outcome to refer to The Local Government and Social Care Ombudsman</li> <li>• A signature from the responsible individual or sent by email in their name</li> </ul>
STEP 6	<p>The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, Social Development Agency Care Ltd will support the complainant to access further support (refer to section 5.6)</p>

## The Complaints Log

A record will be held of all complaints raised and contain the following information:

- Each complaint received
- Subject matter and outcome
- Details of any reason for delay where investigations took longer than the agreed response period
- The date the report of outcome was sent to the complainant

Where complaints relate to a Child or young person, a copy of the complaint will be held in their care records so that the Child or young person can reflect on the recommendations.

Where complaints are raised by telephone, the log will include date and time of the call and this should be followed up with written confirmation of the areas discussed.

Where a complaint indicates the potential abuse of Children and young people, safeguarding policies will be followed as per local authority expectation and necessary notifications made to the regulatory body. Where care is commissioned by Local Authorities their reporting procedure for notifying them of complaints should be followed.

Where complaints are to be shared as part of learning, the complaint should be anonymised so there is no identifiable Child or young person information.

## Investigations

All investigations will be managed by using the following approach:

- Investigating the fact
- Assessing evidence
- Review of records
- Interviewing those involved

Where necessary, advice and support will be sourced via senior managers within the organisation.

The complaint should be investigated by a member of staff with the knowledge, experience and seniority to undertake the investigation robustly.

Confidentiality of information will be considered at all times and staff will adhere to the confidentiality policies and relevant codes of practice.

If an investigation of a complaint results in disciplinary action of staff within Social Development Agency Care Ltd, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to disciplinary process, but the details of the outcome or ongoing investigation should remain confidential.

## Unresolved Complaints

There are many bodies that can support or will need to be informed of unresolved complaints:

### CARE QUALITY COMMISSION

Individuals can escalate their complaint to the Care Quality Commission via:

Website	<a href="http://www.cqc.org.uk">www.cqc.org.uk</a>
Email	<a href="mailto:enquiries@cqc.org.uk">enquiries@cqc.org.uk</a>
Address	Care Quality Commission (CQC) National Correspondence Citygate, Gallowgate Newcastle upon Tyne NE1 4PA
Tel:	03000 616161
Fax:	03000 616171

THE LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN (for those Children and young people that are funded by local authority-funded social services care or self-funded)

Individuals have the right to raise their complaint to the Local Government and Social Care Ombudsman. This is a free service and individuals can contact their Local Government and Social Care Ombudsman via:

Address:	The Local Government and Social Care Ombudsman PO Box 4771 Coventry CV4 0EH
Tel:	0300 061 0614
Email:	<a href="mailto:advice@lgo.org.uk">advice@lgo.org.uk</a>
Website:	<a href="https://www.lgo.org.uk/">https://www.lgo.org.uk/</a>
Complaint form:	<a href="https://www.lgo.org.uk/complaint-form">https://www.lgo.org.uk/complaint-form</a>



Individuals should be advised that the Local Government and Social Care Ombudsman will not investigate the complaint until the provider has had the opportunity to respond and resolve the matter in the first instance.

**PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN** (For Child or young person that are NHS funded) Individuals have the right to raise a concern about a service that is NHS funded. This is a free service and individuals can contact via:

Telephone	0345 0154033
Email	phso.enquiries@ombudsman.org.uk
Website	www.ombudsman.org.uk
Address	Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P4QP.

House Manager (careteam@sdacare.org telephone 0208 239 0148) can also signpost individuals to Healthwatch and the local independent complaints advocacy services (ICAS).

## CLINICAL COMMISSIONING GROUPS

Individuals can make a complaint about a health service they are receiving or have received and can discuss this with the commissioner of the service. Local contact details can be located via: <http://www.england.nhs.uk/ccg-details/#ccg-e>

## LOCAL AUTHORITY COMPLAINTS TEAMS

Individuals have the right to raise concerns and complaints about adult social care regardless of whether or not they pay for their own care or if the Council funds it. Individuals can make a complaint about organisations who provide services on the Council's behalf. The contact details for the Local Authority Complaints Team are: Local Authority Complaints Team

## PROFESSIONAL BODIES

If a complaint involves the serious misconduct of a healthcare professional, their relevant professional body can be informed and this is determined on an individual case basis in discussion with the House Manager.

For any external bodies managing complaints Social Development Agency Care Ltd will work with the external body providing information as requested within any agreed timescales expected.

## Compliments

Receiving compliments is an opportunity to celebrate and recognise success. Social Development Agency Care Ltd will ensure that:

- All compliments are shared with staff and displayed in public area to highlight good practice
- Compliments are anonymised or permission sought before displaying
- Numbers of compliments received are logged as part of a quality assurance programme
- Verbal positive feedback from residents and relatives is also deemed as compliments and should be recorded and shared with colleagues
- Compliments form a core agenda item at staff, resident and relative meetings

### **Suggestions**

Suggestions can be made verbally or in writing and generally are in response to seeking a means of changing practice for the better.

Suggestions are not complaints, but in some circumstances, if they are not considered or actioned they could lead to a complaint.

When suggestions are raised in meeting or as part of a conversation, these should be documented and then outcomes of such suggestion recorded to show consideration.

Staff should be encouraged to share their suggestions or suggestions received by relatives and Children and young people to the The Home Manager.

House Manager careteam@sdacare.org 0208 239 0148 at Social Development Agency Care Ltd should consider implementing a suggestions system to encourage comments from Children and young people, staff, and visitors.

### **Audit and Evaluation**

Social Development Agency Care Ltd will monitor, review and analyse all information received about the service as a means of continuously reviewing performance, quality and safety.

Social Development Agency Care Ltd will also:

- Share themes and trends with Care Workers working for Social Development Agency Care Ltd
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

### **Anonymous Complaints**

Anonymous complaints should be investigated in the same way as named complaints. They should be logged and any corrective action necessary should be taken and also logged.

### **One Complaint, One Response**

Where more than one organisation is involved in the Child or young person's care they, or their representative, should be able to complain to any of them and Social Development Agency Care Ltd will contact the other organisations, carry out a joint investigation and provide a single joint response. Children and young people should not have to contact each organisation separately.

If someone complains and Social Development Agency Care Ltd is not responsible for the care or service complained about, rather than turning them away, Social Development Agency Care Ltd should share the concerns with the correct organisation(s). You will need the individual's permission to do this. If the person prefers that their complaint is not shared with another organisation (or organisations), Social Development Agency Care Ltd should signpost them to the right organisation instead and provide the person with their contact details.

Social Development Agency Care Ltd will follow LGO guidance for managing this.

All efforts will be made by House Manager careteam@sdacare.org 0208 239 0148 to resolve all complaints within Social Development Agency Care Ltd. If a Child or young person does not wish to raise a complaint directly to management within Social Development Agency Care Ltd, in the

first instance, staff should try and sensitively establish their reasons why and aim to resolve and address any concerns that present. Decisions to raise complaints outside of Social Development Agency Care Ltd will be fully respected and the Child or young person should be supported to raise their complaint to the commissioner of the service or to seek the support of an independent advocate or representative. Staff should also refer to section 5.6 for a further list of organisations that can be accessed.

Children and young people can also be signposted to the Citizens advice guidance.

## DEFINITIONS

### Compliment

A compliment is an expression of satisfaction about a service the Child or young person has received.

Compliments are positive feedback that can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

### Complaint

A complaint is an expression of dissatisfaction, disappointment or discontent. This could be in response to an act of omission, decision or act

Complaints can be made in various ways and include:

- Verbally
- Electronically
- Local feedback channels
- Writing

### Self-Funded Care

Self-funded care is defined as care that is paid for entirely by the person receiving it

## KEY FACTS - PROFESSIONALS

Professionals providing this service should be aware of the following:

- Receipt of complaints, suggestions and compliments is everyone's responsibility and therefore you should know what to say and how to respond. You need to be able to promote an open, honest and transparent service to encourage people to feel able to feedback and raise concerns
- You will be involved in quality improvement planning in response to themes from both compliments and complaints received by the service. Compliments will be recognised and celebrated and staff will be supported during any complaints investigations
- Any feedback received from Children and young people or their representatives can influence positive change and quality delivery of care and should be discussed with your manager

People affected by this service should be aware of the following:

- You have the right to feel confident to raise a concern, make a suggestion or give a compliment
- The process for you to raise a concern, make a suggestion or give a compliment will be simple and you will feel listened to and understood
- Your concerns, suggestions and compliments will make a positive difference to future care at Social Development Agency Care Ltd