

COMPLAINTS, COMPLIMENTS & FEEDBACK POLICY

1.0 Summary:

This document conforms to the Social Care Act 2008 and defines how the Burton Street Foundation (henceforth referred to as BSF) addresses complaints and compliments from service users, their carers or advocates, partner organisations, customers, members of the public or statutory bodies. The purpose of this document is to ensure that all complaints, feedback and compliments are dealt with in a methodical and consistent manner and that the information recorded conforms to the requirements of duty of candour as detailed in the Social Care Act 2008.

2.0 Scope:

2.1. The BSF supports and provides services to many individuals and groups of people. These include service users and their families or advocates, our members, our volunteers, the people who pay for a service on behalf of others, funders and donors and other people who have a reasonable expectation of a service from the BSF. This group of people may at some time want to comment either positively or negatively about the service they have received.

2.2. This policy applies to all employees on permanent or temporary contracts, including agency workers, volunteers, self-employed contractors or advocates.

3.0 Responsibility:

3.1. It is every staff members responsibility to respond to complaints, feedback or compliments in an appropriate manner and it is important to view such communication as a positive learning experience for BSF

3.2. People often find it difficult to complain because as a social species we have a desire to be liked and often will suppress our views of being dissatisfied. It is therefore important that staff members are sensitive to the moods and emotions of people they interact with and identify areas of potential complaint. Staff should support and encourage people to provide both positive and negative feedback as this is key in the development of organisational best practice and will improve our service to our customers.

3.3. BSF have a duty to assist any complainant regardless of communication impairments to be able to complain and this may include assisting them to complete the complaint form,

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acting as an advocate for them or any other assistance deemed necessary to enable them to fully participate in the process.

4.0 Policy:

4.1. BSF will fully respond to the complainant within 28 days of receipt of a stage one complaint (initial complaint), detailing the following information:-

- Investigative Decision i.e. upheld, partially upheld or not upheld
- Reasons for the decision
- Immediate actions taken
- Planned corrective actions and implementation date(s)
- A full apology where warranted
- A statement of appreciation that they took the trouble to complain.
- A copy of the complaints procedure
- Contact person for any appeal
- Details of how to complain to the Care Quality Commission and Ofsted

4.2. If for any reason the investigation extends beyond 28 days, the registered managers are to be informed in writing including reasons as to why this has occurred. The registered manager is required to log the report and to declare it to the Care Quality Commission on their next visit to BSF.

4.3. All complaints or compliments will be held in central files maintained by the registered managers as they are open to scrutiny by the Care Quality Commission and Ofsted. The registered managers will also maintain a log of all registered complaints and issue complaint serial numbers for the complaint form.

5.0. Who to Contact:

5.1. Some people may not know who they should contact with a complaint, compliment or feedback or may wish their details to be kept confidential. If so, please forward the comment to the Registered Manager who will forward it on to the appropriate manager to investigate or feedback to their team.

5.2. People have the right to either contact the BSF directly or to refer their complaint to a regulatory or professional registration body, such as

- the Care Quality Commission (CQC) Tel. No. 03000616161 or Ofsted Tel. No. 03001231231
- For fundraising or financial irregularities, the Finance Manager should be contacted in the first instance or if uncomfortable with this, the Managing Director.

5.2.1. Departmental Managers will explain how to do this. If a complaint could lead to a claim for damages against the BSF, the investigating manager must inform the Finance Manager immediately, so that BSF insurers are informed. The insurance company may

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take a proactive role in managing the complaint but it is ultimately BSFs' responsibility to ensure that all legislative timescales are met.

5.2.2. If a complaint could lead to legal action or contractual dispute or if other legal advice is needed, the investigating manager must inform the Finance and Human Resources Managers.

5.3. Our aim is to recognise all feedback and make sure it is investigated and responded to in a suitable and timely way.

6.0. Procedure:

6.1. Within Social Care, it is important to acknowledge that complaints can be made in several ways. It may be written, sent by email, be verbal, use sign language or it could be highlighted by a behaviour manifestation particularly in clients with limited communication. It is important that the complainant is fully supported to make their complaint and this may mean that the staff member writes the complaint on behalf of the client. Equally investigative findings may need to be conveyed to the complainant by other than written means.

Stage 1 – Receiving the Complaint

6.2. If a staff member receives negative feedback from any customer or associate of BSF, they must attempt to obtain as much information as possible as follows:-

- What is the complaint relating to.
- Who was involved/Affected
- Where did it happen
- When did it happen
- Other factors that contributed

6.3.1. It is important for the staff member to confine themselves to the facts and not offer any opinion. Also the complainant should be offered both the option to complete a complaints form for themselves or for the staff member to complete it on their behalf. Even if the person does not wish for the complaint to be treated on a formal basis, it will still require investigation by BSF to establish the root cause of that persons' dissatisfaction and identification of actions to resolve the issues.

6.3.2. Having established that a complaint has been made, the staff member is to obtain a serialised complaints form from one of the registered managers (currently Danielle Wibberley and Jordan Melville) and either complete it with the complainant, complete on their behalf or allow the person to take away to complete on their own.

6.3.3. On completion of the complaint form, it is to be passed to the registered manager for distribution to the relevant departmental manager for investigation and the log annotated accordingly. Please note that the complainant has the right to produce their own written complaint and this may be in the form of a letter or a note. In such cases, the details are to be entered onto a BSF complaint form and the letter/note attached.

6.3.4. The departmental manager will respond to all recognised complaints and will send the person who made the complaint a formal acknowledgement within two working days. This confirms that the complaint has been recognised, identifies who will be investigating the complaint and explains when they will be told the outcome of the investigation.

6.3.5. If the complaint could have a significant impact on the BSF, an executive director must review this response before it is sent out. Consideration must be given as to whether Legal Services need to be consulted.

6.3.6. BSF will send the outcome of its' investigation to the person who made the complaint within 28 days in writing and a copy will be attached to the complaint form for record keeping purposes. The complaint form itself will not be returned to the complainant. A meeting to discuss the findings of the investigation may also be convened particularly if the complainant has additional support needs.

Stage 2 – Investigating a complaint

6.4.1. When investigating a complaint it is important to check all the information. The purpose of the investigation is to make sure that any concerns raised by the person making the complaint are properly considered. It is not to assign blame. There are occasions when the investigation indicates that a review of an employee's performance may be needed; in these situations the HR Manager is to be informed.

6.4.2. Consideration must be given to what was promised to the person making the complaint and what they could reasonably expect. The investigator must collect and review information in order to consider whether these expectations have been met.

6.4.3. The investigation must be confidential and the investigator must make communication support available to anyone who needs it. Anyone interviewed can also be supported by a recognised representative, such as an advocate, colleague or union representative.

6.4.4 The investigation can have one of three outcomes:

1. The complaint is justified: If this is the case, it may be appropriate to apologise to the person who made the complaint and then reassure them that processes have changed to make sure it does not happen again. If the complaint could lead to either criminal or civil action, Legal Services must check any correspondence before being sent.

2. The complaint is partially justified: Some aspects of the complaint are not valid but there is some evidence that the reasonable expectations of the person making the complaint have not been met. The investigation response should give the person the confidence that their complaint has been fully investigated and that the BSF is sympathetic to the issues they raised.
3. The complaint is not justified: Evidence to support the complaint was not identified or found that the person making the complaint was unreasonable in their expectations of the BSF. Assurance should be given to the person that their complaint was fully investigated but not upheld and thank them for raising their concerns.

6.4.5. Action may be required to resolve a problem or failure in following one of the BSF processes, to prevent it from happening again. Any action must be timely, appropriate and should be reviewed to ensure that it is effective.

BSF may need to do this in two stages. The first stage is any action to satisfy the person making the complaint and the second stage is to improve BSF processes.

- The person responsible for investigating the complaint must identify any immediate action necessary to address the concerns of the person making the complaint.
- Consideration must then be given to the cause of the complaint and identify any action that is necessary to prevent it from happening again.
- Consideration must be given as to whether any other processes need amending to prevent similar problems happening elsewhere.
- After a suitable period of time BSF must review the action taken to ensure that it has been effectively implemented.

Stage 3 – Appeals

6.4.6. If the person making the complaint is not satisfied with the response they can make a formal appeal by writing to the head of the relevant service. The person making the complaint should provide full details and explain that they are dissatisfied with the previous response. This appeal will then be investigated and responded to within ten working days.

If the person who made the complaint is still not satisfied, they can appeal in writing to the Chair of the Board of Trustees who will review the complaint and make a final decision within 21 working days. This decision will be final.

Abusive Complainants:

6.5. On very rare occasions people may be abusive to staff who are dealing with their complaint or query. The BSF have a zero tolerance policy toward abuse. Contact with the complainant will be suspended until the abusive behaviour has ceased. It is understood that the process of making complaints can be extremely emotive and that often a 'cool down period' is required. This period is dependant, on the restoration of rationality and

civility by the complainant. At such a time, BSF will investigate the nature of the complainants complaint with all due diligence and conform fully to this procedure.

8.0. Compliments:

8.1. Compliments are equally as important as complaints as they highlight and identify areas of good practice which can be shared across the organisation. They also validate BSFs' practices with regulatory bodies such as Sheffield City Council, CQC and Ofsted. More importantly however they have a profound effect on staff morale and are a major motivational factor in maintaining high standards of performance.

8.2. Compliments can be received in many forms i.e. in writing, verbally, by recommendation or by nominations for awards. On receipt of a compliment, staff are to direct it to one of the registered managers for recording in the central compliments file. The registered manager will copy any documents and transpose verbal comments to written format including reporting staff member name, date, the name of the person giving the compliment and details of what it was in relation to. A copy of the compliment will then be forwarded to the relevant departmental manager for onwards transmission to staff and volunteers. The registered manager may also consider whether the compliment should be universally shared across all or some other organisational departments to share the good practice

7.0. Records:

7.1.1. There are several different time-scales stipulated by different regulatory and legislative bodies for the storage of records and this can cause confusion and/or ambiguity. To eliminate this, all complaint records will be retained in accordance with the NHS Code of Practice Part 2 (Second Edition) Annex D2 as follows:-

- Complaints not involving legal action shall be retained for a minimum of eight years post the last recorded document/correspondence.
- Complaints involving any form of legal action will be retained for a minimum of ten years post the last recorded document/correspondence.
- In each case document storage must not exceed 30 years.

7.1.2. All complaint records are confidential documents and must be disposed of in accordance with BSF confidential disposal policies.

8.0. Training:

There are no specific training needs for this policy but management of complaints and compliments should be included within staff and manager induction.

9.0. Measuring performance:

BSF will review whether this policy is being used successfully by annually auditing:

- Whether complaints received by the BSF are fully recorded.

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- Percentage of complaints resolved internally to the satisfaction of the complainant.
- Ability to demonstrate improvement as a result of learning from complaints.
- Whether complaints are responded to within the prescribed timescales.

10. Policy review

This policy and procedure will be reviewed at least once in every three years by adherence to the policy review schedule.

The Senior Management Team is responsible for reviewing the policy.

Complaint Form Serial Number:.....

Name of Complainant (Optional):.....

Address (Optional):

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Contact Telephone Number:

Name of Client (if different to above):

Name of Staff Member completing or helping to complete this form:

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Name(s) of staff members or services you are dissatisfied with

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Approximate dates and times of when the issues occurred

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The Burton Street Foundation deeply regret that you have experienced a degree of dissatisfaction with the level of service you have received and will actively investigate your concerns and respond back to you within 28 days of receiving this document. Please provide details of the nature of your complaint in the space provided below and add additional sheets as necessary. Thank you.

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What would you the complainant view as a satisfactory resolution to the complaint?

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Signature of Complainant:.....Date:.....

Number of additional sheets:.....

Signature of Staff member completing document:.....

Thank you for taking the time to complete this document. All other fields will be completed by Burton Street. A letter will be sent to you shortly acknowledging receipt of your complaint, stating who will investigate it and informing you of when you can expect the results of the Foundations' investigation.

Registered Manager

Date Received by Registered Manager:

Registered Manager Name:.....Signature:.....

Nominated Investigative/Departmental Manager Name:.....

Investigating Manager

Investigating Manager Receipt Date:

Acknowledgement letter sent? Yes/No Date:

Investigation

Witnesses/Staff Members spoken to :

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Number of witness statements attached:

Other Supporting Evidence:

Investigation Summary (to be completed by Investigative Manager add sheets as necessary):

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Number of additional summary sheets:

Conclusion:

The complaint is upheld: yes/no

The complaint is partially upheld: yes/no

Insufficient evidence is available to substantiate the complaint: yes/no

Complaint to be referred to the Finance Manager/HR Manager: yes/no

Finance Manager/HR Manager:

Date Received:

Insurers Informed: yes/no

Underwriter Instructions:

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Legal advice/Input required: yes/no

Legal Instructions:

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Finance Manager/HR Manager Signature: **Date:**

Investigating Manager:

Date Received:

The Burton Street Foundation reserve the right to withhold any information which on the advice of legal representation may be prejudicial to the interests of the foundation or its' underwriters or compromise such arrangements. Once received from the complainant, this document provides the mechanism for establishing the facts, identifying corrective actions and managing the complaint process time-scales, it is not however to be used to respond to the complainant as on completion it is Commercial In Confidence. The document will however be fully accessible to regulatory authorities on request.

Identified Immediate Actions: Yes/No

If Yes Details:

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Identified Corrective Actions: Yes/No

Recommendations and Timescales:

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Add additional sheets as necessary

Investigating Manager Signature: **Date:**

Approved by:

Service Manager (Mandatory) **Date:**.....

HR Manager (as required).....**Date:**.....

Finance Manager (as required).....**Date:**.....

Managing Director (as required).....**Date:**.....

Registered Manager (Mandatory).....**Date:**.....

Response Letter sent Date:.....**By Whom:**.....
(copy to be attached to this document)

Any Special Arrangements Required: Yes/No

If Yes

Details:.....
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Investigating Manager Closing Signature:.....**Date:**.....

Appeals Section:

Content of Appeals regardless of whether verbal, written or 'signed' must be attached to this document to reflect an accurate chronology of events during the complaint process.

APPEAL ONE:

Service Manager Name:.....**Signature:**.....

Appeal Receipt Date:.....

Additional evidence received not available to original investigation: Yes/No

If Yes Details:

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If No:

Is the appeal resulting from different interpretations of the facts: Yes/No

Is the appeal resulting from unrealistic expectations: Yes/No

On re-analysis are the original complaint conclusions valid: Yes/No

Details of any further investigative work carried out:

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Attach any supporting evidence/documents to this form

Is the Appeal Upheld: Yes/No

Is the Appeal Partially Upheld: Yes/No

Is the Evidence Insufficient to Uphold the Appeal: Yes/No

Response letter sent to appellant: Yes/No

Date:.....

Attach copy

Service Manager Signature:.....Date:.....

Registered Manager Signature:.....Date:.....

Final Appeal

Chairperson Name:.....Signature:.....Date:.....

Original Evidence Reviewed: Yes/No

New Evidence Reviewed: Yes/No

Are there any other factors that the investigation failed to consider: Yes/No

If Yes Details:

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Final Ruling: Delete as applicable

- 1. The appeal is dismissed due to lack of evidence**
- 2. The appeal is upheld and managers are required to re-investigate**
- 3. The appeal is partially upheld due to the following reasons and managers are required to address these issues to the board of trustees within 14 days:**

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Response letter sent: Yes/No Attach to form **Date:**.....

Registered Manager Signature:.....**Date:**.....

Audit

Attach report to document detailing any discrepancies and any outstanding corrective actions unresolved.

Audited by:.....**Signature:**.....

Date:.....