

COMPLAINTS AND COMPLIMENTS

The Burton Street Foundation

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Policy Statement

This service accepts the rights of Service Users to make complaints and to register comments and concerns about the services received. It further accepts that they should find it easy to do so. It welcomes complaints, seeing them as opportunities to learn, adapt, improve and provide better services. In accordance with the Equality Act 2010, we will ensure our processes are fair and transparent and do not discriminate directly or indirectly, against those with protected characteristics.

The Policy

This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by Service Users and their relatives, carers and advocates are taken seriously. It is not designed to apportion blame, to consider the possibility of negligence or to provide compensation; it is not part of the company's disciplinary policy. This service believes that failure to listen to or acknowledge complaints leads to an aggravation of problems, Service User dissatisfaction and possible litigation. The service supports the idea that most complaints if dealt with early, openly and honestly, can be sorted at a local level between just the complainant and the service. The complaints procedure is made available to Service Users and families in their

Service User guide. A copy is always kept in their support plan in their homes and available in a format that can be understood.

ADASS has published a Good Practice Guide to handling complaints concerning adults and children in social care settings. They have identified the following five principles:

1. Ensure that the complaints process is accessible.
2. Ensure that the complaints process is straightforward for Service Users and their representatives.
3. Ensure that appropriate systems are in place to keep Service Users informed throughout the complaints process.
4. Ensure that the complaints process is resolution-focused.
5. Ensure that quality assurance processes are in place to enable learning and service improvement from complaints and customer feedback.

Aim of the Complaints Procedure

We aim to ensure that the complaints procedure is properly and effectively implemented and that Service Users feel confident that their complaints and worries are listened to and acted upon promptly and fairly. Specifically, we aim to ensure that:

- Service Users, carers, and their representatives are aware of how to complain, and that the company provides easy-to-use opportunities for them to register their complaints
- A named person will be responsible for the administration of the procedure.
- We will acknowledge a complaint in 3 working days
- All complaints are investigated within 14 days of being made
- All complaints are responded to in writing within 28 days of being made
- Complaints are dealt with promptly, fairly, and sensitively, with due regard to the upset and worry that they can cause to both Service Users and staff

Responsibilities

The registered manager is responsible for following through with complaints. However, there may be a specific post with responsibility for complaints. Communication between this post and the registered manager should be clear and transparent so that the registered manager can demonstrate evidence of compliance.

If the complaint concerns the registered manager then another manager or director on the senior management team will handle the complaint.

Complaints From A Representative

If the Service User directly affected does not want to complain themselves, they can ask someone else to make the complaint on their behalf and represent them throughout the process.

A representative can be anyone such as:

- A family member
- A friend

- An advocate
- A legal representative

There is no restriction on who may act as a representative and this list is not exhaustive.

Our organisation will support them by signposting Service Users to an advocate if they do not have any other representation and are not happy to raise the complaint themselves.

Our organisation can only accept complaints from a representative in certain situations. These are;

- Where it is known that the Service User has consented, either verbally or in writing (and this includes the willingness for us to share personal information with the representative)
- Where the Service User cannot complain unaided and cannot give consent because they lack capacity in line with the Mental Capacity Act 2005, and the representative is acting in the Service User's best interests

If the Service User does not consent to us discussing the complaint with their representative then we take this into account. We will explain to the person making the complaint that only the issues that directly affect them can be investigated. If we do not have consent to share personal information about the Service User we will not be able to investigate any matters relating to the Service User or share personal information about the Service User which may leave some of their concerns unanswered.

If we receive a complaint where the Service User directly affected does not have the capacity to consent to the complaint being made on their behalf, we first determine if the person making the complaint on their behalf has a legitimate interest in the person's welfare and that there is no conflict of interest. We also need to determine if the person making the complaint has a right of access to the personal information of the Service User directly affected. E.g. are they an attorney with authority to manage the property and affairs of the individual or are they a person appointed by the Courts to make decisions about such matters.

Complaints Procedure: Verbal Complaints

- This service accepts that all verbal complaints, no matter how seemingly unimportant, must be taken seriously
- Front-line support staff who receive a verbal complaint are expected to seek to solve the problem immediately
- If they cannot solve the problem immediately, they should offer to get their line manager to deal with the problem
- Staff are expected to remain polite, courteous, sympathetic and professional to the complainant
- They are taught that there is nothing to be gained by adopting a defensive or aggressive attitude
- At all times, in responding to the complaint, staff are encouraged to remain calm and respectful
- Staff should not make excuses or blame other staff
- If the complaint is being made on behalf of the Service User by an advocate, it must first be verified that the person has permission to speak for the Service

User, especially if confidential information is involved (it is very easy to assume that the advocate has the right or power to act for the Service User when they may not)

- If in doubt, it should be assumed that the Service User's explicit permission is needed before discussing the complaint with the advocate
- After discussing the problem, the manager or member of staff dealing with the complaint will suggest a means of resolving it
- If this course of action is acceptable, the member of staff should clarify the agreement with the complainant and agree on a way in which the results of the complaint will be communicated to the complainant (i.e., through another meeting or by letter)
- If the suggested plan of action is not acceptable to the complainant, the member of staff or manager will ask the complainant to put their complaint in writing to the registered manager
- The complainant should be given a copy of the company's complaints procedure if they do not already have one
- Details of all verbal and written complaints must be recorded in the complaints book, the Service User's file and the home records

Complaints Procedure: Serious or Written Complaints

Preliminary steps:

- When we receive a written complaint, it is passed to the designated lead manager, who records it in the complaints book and sends an acknowledgement letter within three working days to the complainant
- The manager also includes a leaflet detailing the service's procedure for the complainant (the designated lead is the named person who deals with the complaint through the process)
- If necessary, further details are obtained from the complainant. If the complaint is not made by the Service User but on the Service User's behalf, then the consent of the Service User, preferably in writing, must be obtained from the complainant, where required
- If the complaint raises potentially serious matters, advice could be sought from a legal advisor
- If legal action is taken at this stage, any investigation by the service under the complaint's procedure ceases immediately

Investigation of the complaint by the service:

- Immediately on receipt of the complaint, the complaints manager will start an investigation and within 14 days should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned
- If the issues are too complex for the investigation to be completed within 28 days, the complainant will be informed of any delays
- Where the complaint cannot be resolved between the parties, an arbitration service will be used. This service and its findings will be final to both parties
- The cost of this will be borne by the service

Meeting:

- If a meeting is arranged, the complainant will be advised that they may, if so desired, bring a friend, relative or a representative, such as an advocate
- At the meeting, a detailed explanation of the results of the investigation will be given, in addition to an apology, if deemed appropriate (an apology is not necessarily an admission of liability)
- Such a meeting allows the management to show the complainant that the matter has been taken seriously and investigated thoroughly

Follow-up action:

- If the complainant is not happy with the response they receive or if they have not received an answer within a reasonable time, they can complain to the Local Government & Social Care Ombudsman.
- The Ombudsman believes that up to 12 weeks is a reasonable time for a council or care provider to look at a complaint and reply to the complainant
- The outcomes of the investigation and the meeting are recorded in the complaints book and any shortcomings in company procedures will be identified and acted upon
- The company management formally reviews all complaints at least every six months as part of its quality monitoring and improvement procedures to identify the lessons learned

Vexatious Complainers

This service takes seriously any comments or complaints regarding its service. However, there are Service Users who can be treated as 'vexatious complainers', due to the inability of the service to meet the outcomes of the complaints, which are never resolved. Vexatious complainers need to be dealt with by the arbitration service so that the repeated investigations become less of a burden on the service, its staff and other Service Users.

Accessibility

Policies and procedures are available in accessible formats, well publicised, readily available, and accessible to individuals using the service, their families, significant others, visitors, staff, and others working at the service.

Local Government Ombudsman

Since October 2010, the Local Government Ombudsman (LGO) can consider complaints from people who arrange or fund their adult social care. This is in addition to complaints about care or support arranged and funded by local authorities, which the LGO has dealt with for over 35 years.

The LGO's new role includes those who 'self-fund from their resources or have a personalised budget. It will ensure that everyone has access to the same independent ombudsman service, regardless of how the service is funded. In most cases, they will only consider a complaint once the service provider has been given a reasonable opportunity to deal with it. It is a free service. Their job is to investigate complaints fairly and independently; they are not biased and do not champion

complaints; they are independent of politicians, local authorities, government departments, advocacy and campaigning groups and the care industry.

The LGO is fully independent. They deal with individual injustices that people have suffered and the local authority can refer all such complaints to them. They can share information with other regulators but only when deemed appropriate.

Local Authority-funded Service Users

Any Service User part or wholly funded by their local authority can complain directly to the complaints manager (Adults), who is employed directly by the local authority.

Compliments

We want to make sure that everyone can contact and communicate with us. Please let us know if you would like help in making your views known:

- You have a suggestion on how we might improve services
- You would like to compliment us on a job well done
- We have fallen short of your expectations

We always encourage open communication about your satisfaction or dissatisfaction with the service we provide. We want you to know that you can always tell us about your experiences of the service you receive and we welcome suggestions from you on how we can improve things.

It is always encouraging when you feel motivated enough to compliment us or a member of staff for something you feel they have done well, 'over and above the call of duty, etc. Naturally, we want to ensure others know you have passed on a compliment, because they too feel encouraged, and this filters down to the standard of support we provide.

We are happy to receive any compliment in whatever manner you see fit. If it is possible to let the registered manager know of your compliment, this helps us ensure that others may be encouraged to let us know. Staff must have positive feedback that helps to balance any negative views of their performance. Everyone needs to know how well they do, as well as areas where improvements are required.

Manager: Andy Beeston/Colin Bulmer

Contact Address: 57 Burton Street, Hillsborough, Sheffield, S6 2HH

The good news is always encouraging. If you could send us a copy of that letter, we can use it to encourage others too, by sharing the information.

Wherever possible, we would hope that you can come and tell us when you are unhappy about something or have a suggestion for an improvement to the service we provide. It may only seem like a small thing, but if it matters to you, it matters to us, and we would like to do all we can to make you feel as comfortable as possible.

All comments are taken seriously so that we can resolve any niggles. Where you feel this has not happened, we encourage you to utilise our separate complaints procedure.

Relevant Contacts

Local Authority Complaints Manager (Adults)

1 Union Street, Howden House, Sheffield, S1 2SH

Phone: 0114 273 4567

Social Services Local Office

92-98 Queen St, Sheffield City Centre, Sheffield S1 2DW

Phone: 0114 203 9060

Out of Hours Service (Social Services). This service is available when social services offices are closed.

92-98 Queen St, Sheffield City Centre, Sheffield S1 2DW

Phone: 0114 203 9060

South Yorkshire Police HQ

Carbrook House, Carbrook Hall Rd, Sheffield S9 2EG

Phone: 0114 219 6905

The Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP. Telephone: 0345 015 4033

The Local Government Ombudsman, 10th Floor, Millbank Tower, Millbank, London, SW1P 4QP. Advice Line Telephone: 0300 061 0614 [for complainants]

Related Guidance

<https://www.sheffield.gov.uk/your-city-council/complaints/adults-social-care-services>

Local Government and Social Care Ombudsman, Acting on Compliments, Feedback and Complaints about Adult Social Care – A Good Practice Guide for Adult Social Care Practitioners:

Local Government and Social Care Ombudsman, Adult Social Care Complaint Reviews:

<https://www.lgo.org.uk/information-centre/reports/annual-review-reports/adult-social-care-reviews>

Local Government and Social Care Ombudsman, How to Complain:

<https://www.lgo.org.uk/make-a-complaint>

Social Care Institute for Excellence, Concerns about a Care Service:

<https://www.scie.org.uk/contact/concerns>

Resources and guidance for Social Care providers:

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

Concerns about a care service:

<https://www.scie.org.uk/>

Training Statement

All staff undertake induction and are employed to provide an enabling, not a doing service. Individual support plans are used to determine training needs.

Date Reviewed: May 2024

Person responsible for updating this policy: Katherine Torr

Next Review Date: May 2025