



Compliments, Concerns and Complaints

1. Purpose

This document is a step by step guide to dealing with Compliments, Concerns and Complaints within Future Directions CIC and takes into account guidance provided by the Care Quality Commission (CQC) Regulation 16 and the Local Government Ombudsman (LGO.)

We will act in accordance with regulation 20 duty of candour in respect of complaints about care and treatment that have resulted in a notifiable safety incident.

The purpose of this document is to provide advice to Future Directions CIC staff about the procedure for recording and handling compliments, concerns or complaints. It provides guidance for people we support relatives and members of the public who want to raise a compliment, concern or complaint (an easy read leaflet 4 is available).

This procedure covers people who self-fund their support/care themselves including a Personal Budget or Direct or Cash Payment in addition to people who are funded by health or the local authority.

This procedure needs to be read in conjunction with the Future Directions CIC Whistle Blowing and Protection from Abuse Policies & Procedures.

2. Arrangements for the Management of Compliments

Future Directions CIC receives a number of compliments for services provided including letters of appreciation or thank you cards from people we support, carers, etc. Complimentary communications sent direct to Future Directions CIC will be acknowledged and copies sent to the appropriate area for information and recorded in the weekly Operational Network Management meetings.

Compliments received elsewhere should be forwarded to the respective Manager for acknowledgement, and documented via the aforementioned Operational Network Management meeting.

3. Arrangements for the Handling of Complaints

A copy of the Concerns, Compliments and Complaints Procedure will be provided to any person who makes a request for one. Our complaints process is also available on the website. This helps to ensure that concerns and complaints are dealt with quickly and efficiently.

4. Responsibility for Concerns/Complaints Management

The Director of Operations is responsible for ensuring compliance with the arrangements and that action is taken in light of the outcome of any complaint investigation. They will ensure that staff involved in the assessment and investigation of the complaint will have the right level of knowledge and skill.

5. Definitions

Future Directions CIC defines a concern as:

“Any anxiety, worry or unhappiness regarding Future Directions CIC services, expressed by people we support, unpaid carers, relatives or their representatives, which they do not wish to be treated as a complaint”.

Future Directions CIC defines a complaint as:

“An expression of dissatisfaction that requires a response that cannot be provided within 24 hours of being raised with a member of staff. There is no absolute requirement for a complaint to be in writing and appropriate responses should be made to all complaints whether written or verbal”.

6. Who May Raise a Concern or Make a Complaint?

A concern/complaint may be made by a person who is affected by or likely to be affected by the action, omission or decision of Future Directions CIC or by a person who receives or has received services from Future Directions CIC.

A concern/complaint may be made by a person acting on behalf of a person we support where that person has died, is a child, is unable by reason of physical or mental incapacity to make the complaint themselves (Mental Capacity Act 2005) or has requested the representative to act on their behalf.

The responsible body to which the complaint is made must be satisfied that the representative is conducting the complaint in the best interests of the person on whose behalf the complaint is made.

There are guidance for families, unpaid carers on how to make a complaint.
<https://www.england.nhs.uk/wp-content/uploads/2018/06/Ask-Listen-Do.pdf>

Complaints Contact Cards: There may be times when staff are supporting people out in public and due to circumstances (e.g. challenges or difficult behaviours which may be directed towards others) are unable to speak immediately with any affected members of the public. In these situations, affected people must be offered an apology and be given one of the Future Directions CIC Complaints contact cards, which provides all the necessary details should they wish to complain. These are available from the office manager at Marle House

Deputy/Team Managers are responsible for ensuring that a stock of cards is available to Personal Assistants where they support people who have challenging support needs.

Future Directions are not required to investigate the following complaints:

- A complaint by an employee relating to their employment. This will be investigated through the grievance procedure.
- A complaint that has been made in person or by telephone and is resolved to the complainant's satisfaction no later than the next working day after the day the complaint was made, and
- A complaint that has already been investigated and resolved.

Anonymous Complaints

We deal with anonymous complaints under the same procedure however it is better if you provide contact details so we can tell you the outcome of our investigations.

7. How to Raise a Concern or Make a Complaint

7.1 Raising a Concern

People we support, relatives and unpaid carers are encouraged to express their concern about their support at all times. Therefore staff will deal and respond to concerns expressed as soon as practicable. Many concerns will be addressed at the time.

Where a concern (see definition at section 5) has been reported and it has been possible to resolve the issues raised within 24 hours of being reported, there is no requirement for it to be dealt with formally by a Future Directions CIC Manager. However, a record of the concern and the action taken will be made by the person dealing directly with the concern via the incident reporting system.

It is important that this information is entered into incident reporting system within the 24 hour time window and that the narrative within the report details that this was a concern not a complaint.

It is important that all concerns are resolved and recorded satisfactorily within the 24 hour window otherwise the concern must be treated as a complaint.

There are occasions when concerns cannot be dealt with through local resolution and must be escalated to a Manager (possibly a Team Manager) and these are;

- a) Alleged breaches of confidentiality
- b) Alleged verbal or physical assaults from staff to people we support
- c) If serious harm has occurred to the person we support or staff have acted inappropriately
- d) Any alleged safeguarding incident

Future Directions Protection from Abuse policy must be followed for safeguarding incidents.

7.2 How to Make a Complaint

Oral: Where a person wishes to complain, they may make the complaint to any member of staff. A complaint may be made in person or by telephone or in writing, including e-mail or via 'Contact us' on the Future Directions CIC website. A complaint can be made through an advocate or representative.

Where a complaint is made in person or by telephone, the person receiving the complaint must advise the person that they will be making a written record of the complaint which includes the name of the complainant, their address with any contact details, the subject matter and the date which it was made. A record of this must also be made on the Incident Reporting System.

Where a telephone complaint is made directly locally to a home, a Future Directions CIC Manager must also be advised as soon as reasonably practicable.

Written: All written complaints will be date stamped on receipt and forwarded immediately to the Director of Operations. When the complaint is made in writing, a record of the date on which it was received will be made via the Incident Reporting System.

Where the complaint is made in writing, it will be treated as being made on the date on which it was received by Future Directions CIC.

The complaints process is a confidential process and staff should be aware that people we support, relatives and unpaid carers are not discriminated against because they have complained. If there is any evidence of such behaviour staff may face more formal action.

7.3 Time Limit for Making a Complaint

A complaint must be made within –

- a) Twelve months of the date on which the matter which is the subject of the complaint occurred; or
- b) Twelve months of the date on which the matter which is the subject of the complaint came to the notice of the complainant

The Director of Operations may decide to authorise an investigation outside of the aforementioned time limit if:

- a) Having regard to the circumstances, the complainant had good reasons for not making the complaint within the period; or
- b) Notwithstanding the time that has elapsed, it is still possible to investigate the complaint effectively and efficiently.
- c) If additional information comes to light that they did not previously have knowledge of.

8. The Complaint Procedure

8.1 Procedure before the Investigation

All formal complaints (See Section 5) will be forwarded to the Director of Operations immediately and the following action will be taken:

- a) Where a complaint is made in person or by telephone, the person receiving the complaint will make a written record on Incident Reporting System. The Director of Operations will acknowledge the complaint and provide a written record (Appendix A) of the complaint to the complainant within **3** working days of receipt of the complaint by Future Directions CIC.
- b) At the time of acknowledgement, Future Directions CIC will offer to discuss with the complainant at a time to be agreed with the complainant the following;
 - The manner in which the complaint is to be handled and
 - The period of time it is likely to take to complete the investigation of the complaint and when the response will be sent to the complainant. Time frames for completion are in accordance with the Time Scales for Dealing with and Managing Complaints; see Appendix B.
 - **Holding Letter:** Should it not be possible to meet the agreed time frames, a Holding Letter (Appendix C) summarising the reasons for the delay must be sent.
 - The person we support must be made aware, that their personal details will be disclosed to all personnel involved in the investigation of the complaint.

8.2 Investigation

The Director of Operations will liaise with the respective Manager to nominate an investigating officer. The investigating officer will investigate the complaint to the extent necessary and in the manner which appears to be most appropriate to resolve it within the agreed timeframes.

In accordance with the Time Scales for Dealing with and Managing Complaints, the investigating officer will agree a time frame for the investigating manager to complete and prepare a report of findings. The completed report will be submitted to the Director of Operations.

A copy of the letter sent to the complainant will also be sent to the respective Manager.

It is the responsibility of the Director of Operations to arrange for support for those staff who are the subject of the complaint.

The level of investigation and guidance on timeframes for completion will be determined by the seriousness and complexity of the complaint.

8.3 Responses

The Director of Operations or a nominated deputy will prepare a written response (Appendix D) to the complaint which summarises the nature and substance of the complaint, describes the investigation and summarises its conclusions.

The letter will include any action needed as a result of the complaint that has been taken or is proposed to be taken by Future Directions CIC.

The response must be signed by the responsible individual or in their absence a nominated deputy.

A copy of the response will only be sent to third parties once appropriate consent from the complainant has been received i.e. MP's or other relatives.

Should the complainant remain dissatisfied with the response to the complaint, the Director of Operations or nominated deputy would offer to meet with the complainant to determine if further action is appropriate.

If the complainant requests a meeting, this will be arranged by whoever is responsible for chairing the meeting. Notes of the meeting will be taken.

8.4 Unhappy with the outcome

Where a complainant remains unhappy with the outcome of an investigation, they may ask the Local Commissioning Authority of the service to look into their complaint. They may also refer the matter to Care Quality Commission (CQC) and /or may also ask the Local Government Ombudsman (LGO) for Social Care www.lgo.org.uk/adult-social-care/ to investigate the matter; also see www.lgo.org.uk/

The LGO are entirely independent of Future Directions CIC, Local Authority and the Government. Any complaint should be referred to them within 12 months of when the person first knew about the problem. If left longer than this, the LGO may not be able to help.

The LGO have produced an 'easy read' leaflet entitled; 'How to complain about your care home or the care you get at home.' Available from www.lgo.org.uk/adult-social-care/

The LGO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.

The LGO service is registered with and regulated by the Care Quality Commission (CQC). The CQC cannot get involved in individual complaints about providers but is happy to receive information about our services at any time. You can contact the CQC at:

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4PA
Tel: 0300 061 6161
Website: www.cqc.org.uk/contactus.cfm

9. Confidentiality

Complaint documentation will not be kept as part of the Personal Record of a person we support. This is to ensure that the person receives impartial support and care in the future and will prevent discrimination from occurring.

Care must be taken at all times during the complaints procedure to ensure that any information disclosed about people we support only relates to the complaint.

Where the complaint is made on behalf of a person we support, care must be taken not to disclose personal information unless the person has consented to this in writing. This also applies to third parties who have given information or are referred to in the person's records.

10. Possible Claims for Negligence

The complaints procedure can run in conjunction with legal action if it is deemed appropriate. The rationale for any decision not to consider a case or certain issues under the regulations should be clearly documented. The focus needs to be on taking the matter forward in the way which will best meet the (reasonable/achievable) expectations or outcomes for the complainant. If they want to test for negligence or pursue a large claim, then obviously this can only be achieved through the legal process. However, if they seek explanations, apologies or smaller ex gratia payments, then this is a possible outcome to a complaint and will be a considerably quicker outcome to achieve. Where the issue of possible ex gratia payments is a consideration, the Director of Operations will liaise with the Directors and Company Solicitors.

11. Mixed Sector Complaints

Where a complaint involves both Future Directions CIC and other parties, where possible, work together with a view to providing the complainant with a coordinated response to the complaint.

The duty to co-operate includes a duty to co-ordinate the handling of the complaint and to seek to agree which of the two organisations should take the lead on:

- a) Co-ordinating the handling of the complaint
- b) Communicating with the complainant
- c) To provide the other organisation(s) information relevant to the consideration of the complaint which is reasonably requested by the other and
- d) To attend or ensure that the other organisation(s) is represented at, any meeting reasonably required in connection with the consideration of the complaint.
- e) Agree a plan to provide information relevant to the consideration of a complaint which is reasonably requested
- f) Attend any meeting reasonably required in connection with the consideration of a complaint

12. Monitoring of Compliance

Compliance with Complaint Procedure will be monitored by Future Directions CIC.

A report summarising the numbers of Compliments, Concerns and Complaints will be maintained through the Operational Network Management Team Meetings.

Future Directions CIC will identify any trends, themes or organisational learning and issues in relation to compliments/concerns/complaints make any recommendations for further action as appropriate and will monitor the progress and adequacy of any subsequent action plans to address concerns and/or complaints.

Within the agreed governance reporting structures or at least once annually, the Director of Operations, or nominated deputy will report to the Future Directions CIC Board keeping them informed about compliments, concerns and complaints trends, analyses and any lessons learned.

Reports to the Board will:

- Specify the number of complaints received
- Specify the number of complaints that Future Directions decided were well-founded, partly or fully
- Specify the number of complaints that Future Directions has been informed have been referred to other bodies
- Give the subject matter of complaints received
- Summarise any matters of importance in those complaints themselves or in the way that the complaints were handled
- Summarise any matters where action has been or is to be taken to improve services as a consequence of those complaints.

This report will be made available to anyone on request.

13. Information on Compliments, Concerns or Complaints

Future Directions CIC will provide accessible information on how to report a compliment, concern or complaint, advising people of how to contact the Managers and outlining the process involved when a complaint is made.

14. Procedure for Handling Unreasonable or Persistent Complainants

The terminology of unreasonable or persistent complainants broadly applies to persons contacting Future Directions CIC (referred to as complainants from here onwards) who are aggressive or have demonstrated abusive behaviour, as well as those who make unreasonable demands or become unreasonably persistent.

Future Directions CIC is committed to dealing with all Compliments, Concerns and Complaints fairly and impartially and to providing a high quality service.

As part of this service we do not normally limit the contact complainants have with Future Directions CIC. However, there may be a small number of complainants who, because of the frequency or nature of their contact with Future Directions CIC, hinder our consideration of their or other people's contacts and complaints. We refer to such complainants as exhibiting 'unreasonable or persistent behaviour'.

When we consider that a complainant's level of contact is unreasonable or persistent, we will tell them why we believe that their behaviour falls into this category and ask them to change it. If the behaviour continues, we will take action to restrict the complainant's contact with Future Directions CIC.

The final decision as to whether to restrict contact with Future Directions CIC lies with the Managing Director. Any such decision will be discussed and minuted as part of Future Directions CIC Executive meetings.

Any restrictions imposed will be appropriate and proportionate. However, the decision to restrict contact will not be considered or taken until such time as all other options to resolve a complainant's concerns have been considered.

In all cases, Future Directions CIC will write to the complainant to explain why we believe their behaviour is unacceptable, what action we are taking and the duration of that action. We will also tell them how they can challenge the decision if they disagree with it.

Where a complainant continues to behave in a way which is considered to be unreasonable or persistent, Future Directions CIC may decide to terminate contact with that complainant.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of Future Directions CIC's staff or others, we will consider other options, for example, reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

People we support: Where the complainant is a person we support and their behaviour is considered to be unreasonable and/or persistent, the ongoing welfare and well-being of the person we support should always be a priority.

In such instances, the involvement of the multi disciplinary team dealing with them may prove beneficial. This hopefully should be more effective than allowing them to get into a cycle of complaints correspondence that appears to have no end point. In this instance, the convening of a multi disciplinary meeting is essential.

At this meeting an action plan will be drawn up detailing the actions required by the support team. There will usually be one named person that the complainant should contact and this will be conveyed to the complainant in writing.

A persistent complainant may be defined as someone who:

- Refuses to accept the remit of the process to be undertaken as described to them.
- Requests actions that are not compatible with the process or place unreasonable demands on staff.

- Changes the basis of the concern or complaint, or introduces trivial or irrelevant information expecting these to be taken into account when they have already agreed to a plan and specific issues to be responded to.
- Makes excessive telephone calls or send excessive numbers of emails or letters to staff.
- Submits concerns or complaints about the same issues that have previously been appropriately and fully considered, and responded to.
- Fails to engage with staff in a manner which is deemed appropriate, e.g., repeatedly using unacceptable language; secretly recording telephone calls or meetings without consent (in contravention of the Data Protection Act 1998); refusing to adhere to previously agreed communication plans or behaving in an otherwise threatening or abusive manner on more than one occasion, having been warned about this.
- Repeatedly focuses on conspiracy theories and/or will not accept documented evidence as being factual.

This list is not exhaustive and there may be circumstances that do not fall into the above criteria. Therefore, each case must be considered on its own merits.

Complainants may or may not fulfil all the criteria listed above but they should be treated as a persistent complainant if they fit into two or more of the criteria.

Prior to designating a complainant as unreasonable or persistent, Future Directions CIC may consider the use of a 'Contact Contract' to set ground rules for continuing contact, or issue a warning letter explaining that if the complainant's actions continue, Future Directions CIC may decide to treat him or her as an unreasonable or persistent complainant and explain why.

Each case will be considered on an individual basis and the range of options available to Future Directions CIC to manage complainants who have been designated as persistent and/or unreasonable include:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of calls that will be taken or made.
- Requiring contact to be made with a named member of staff.
- Requiring contact to be made through a third person (such as an advocate).
- Limiting the complainant to one mode of contact.
- Requiring any personal contact to take place in the presence of a witness.
- Refusing to register and process further compliments, concerns or complaints about the same matter.
- Only acknowledging the correspondence that is received after the completion of a case.
- Informing the complainant that future correspondence will be read and placed on file, but not acknowledged.

- Advising that the organisation does not deal with correspondence that is abusive or contains allegations that lack substantive evidence. Request that the complainant provide an acceptable version of the correspondence or make contact through a third person to continue communication with the organisation.
- Asking the person we support to enter into an agreement about their conduct.
- Advise that irrelevant documentation will be returned in the first instant and (in extreme cases) in future may be destroyed.

Once a restriction is put in place, a letter will be issued to inform the complainant about the decision; what it means for their future contact with Future Directions CIC; how long those restrictions will remain in place; and what they can do to have their position reviewed.

A record will be kept of all contact with unreasonable and unreasonably persistent people we support. This should include circumstances when:

- A decision is taken not to apply the policy
- When a decision is taken not to put a further complaint from such a person through its complaints procedure for any reason, or
- When a decision is taken not to respond to further correspondence – ensuring that any correspondence is checked for new or significant information that warrants action.

A full record of all actions taken and the rationale used in taking that particular action will be maintained in the Complaints file.

Consideration should be given as to whether the organisation should take action such as reporting the matter to the police or taking legal action, or using its risk management or health and safety procedures to follow up such an event in respect of the impact on staff.

Appendix A Draft Acknowledgment Letter



[insert date]

[insert name]
[insert address]

Our Ref: [insert if any]
Your Ref: [insert if any]

Our Contact Details (e-mail & phone): [insert]

Dear [insert name]

Heading, e.g. Complaint about

Thank you for bringing your concerns to my attention in [your letter/your e-mail/our conversation] of [date].

I am sorry that you are not happy with the service provided by [insert name].

As I understand it, you are concerned that [insert your understanding of the issues of concern using a bulleted or numbered list if there is more than one point].

Please contact me straight away if I have misunderstood your concerns.

At this stage if it would help I would be happy to meet you to discuss the issues you have raised and our investigation procedures, if that would be helpful. Please let [insert here] if you would like to take up this opportunity.

I am looking into the points you have made as a matter of urgency and shall be in touch with you with a full response by [insert anticipated response time – not longer than [insert days]].

Please do contact me again in the meantime if I can be of any further assistance. My e-mail and phone number are given above.

Yours sincerely,

[Name]
[Job title]

Appendix B Timescales for Dealing with and Managing Complaints

Rating	Level of Investigation	Response Time
Green	<p>Complaints assessed as low complexity would be those that are fairly straightforward that would require a minimal level of intervention.</p> <p>They should be the type of complaint or concern that can be resolved which require a minimal level of fact finding prior to a prompt remedy or resolution being provided.</p>	Within 14 working days
Amber	<p>Complaints assessed as medium complexity would be those that require a higher and more significant level of intervention.</p> <p>They would be more complex, therefore requiring a robust investigation. They could also focus on cross boundary or cross organisational issues and they may also have been logged an incident.</p> <p>Concerns triaged at this level would require a full detailed analysis of the investigation and a subsequent report. An individual action plan would also be developed for all complaints of this type.</p>	Within 25 working days
Red	<p>Complaints assessed as high complexity are those which require the highest level of intervention.</p> <p>Complaint of this nature may be accompanied by a Serious Untoward Incident (SUI) form.</p> <p>Complaints of this type are those which have had significant impact on the people we support.</p>	Within 45 working days

Appendix C Draft Holding Letter

Date:

Name and Address

Our ref [if any]
Your ref [if any]

Our contact details: email and phone [insert]

Dear (add name)

Heading e.g.: Complaint about....

Further to my letter of [date of last correspondence], we are still investigating the detail of your complaint. This is due to [insert the reason for a delay].

I apologise for the delay, and thank you for your patience. I will write again as soon as possible, and at the latest within [give a number of weeks] of the date we received your complaint.

If you need to contact me in the meantime, please do not hesitate to do so. My contact details are above.

Yours sincerely

Name
Job title

Appendix D Draft Final Letter

[Date]

[Name]

[Address]

Our Ref: [if any]

Your Ref: [if any]

Our Contact Details (e-mail and phone): [insert]

Dear [add name]

My investigation into the points you raised on [insert date] is now complete.

I will address each of the points as outlined in my earlier acknowledgement letter to you.

[repeat each individual point of the complaint, and follow each one with what you found in the investigation. Put this as a numbered list if there is more than one issue.]

We have found that.....

1. Specify Point Two
2. Etc.....

Outcome

As a result of your complaint we have taken the following action (if not already mentioned above.)

1. [Action one]
2. Etc.....

I would like to thank you for bringing these matters to our attention. We welcome comments from people who use our services / families / relatives, [delete / insert as appropriate] and aim to use these to improve our services.

If you are not completely satisfied with the outcome of the investigation and would like to discuss the matter further please do not hesitate to contact me. My contact details are above.

If you are not fully satisfied with the way we have handled your complaint, you also have the right to take your complaint to the Local Government Ombudsman or Care Quality Commission, who you can contact at:

Tel: 0300 061 0614 Email: advice@lgo.org.uk Website: www.lgo.org.uk
Tel: 0300 061 6161 Website: www.cqc.org.uk/contactus.cfm

Yours sincerely,
[Name]

[Job Title]
Appendix E
Easy Read Version

Please refer to Making a Complaint – Leaflet 4