Heronsmere Home Care
Old Shire Lane, Chorleywood, Hertfordshire, WD3 5PW

5. Procedure

5.1 Raising Complaints

A complaint can be received by either verbally or in writing and can be made by:

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

will ensure that Service Users are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

5.2 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.

5.3 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. If the complaint relates to that individual, the staff member will report the complaint to the member of staff who is next in line in seniority.

Step 4
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. will have a local system in place to manage out-of-hours and weekend complaints received.
The acknowledgement will include:

- An invitation to meet and discuss the complaint
- Who will be investigating the complaint
- How the investigation will be handled - the response should state what the investigation will be focused on
- 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
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation

Step 5
Following a full investigation, a response letter will be sent and this will include the following:

- A summary of the issue from the complainant's point of view
- Details of the evidence and sources consulted in order to investigate the issue fully and fairly
- A presentation of the findings for each issue clearly and concisely described
- 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
- An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue

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- An apology where the issue is upheld and shortcomings or failings have been found
- The complainant's rights if not satisfied with the outcome to refer to The Local Government and Social Care Ombudsman
- A signature from the responsible individual or sent by email in their name

Step 6

The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, will support the complainant to access further support. (Refer to section 5.6.)

5.4 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 Service User, a copy of the complaint will be held in their care records so that the Service User can reflect on the recommendations.

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

Where a complaint indicates the potential abuse of Service Users, safeguarding policies will be followed as per local authority expectation and necessary notifications made to the regulatory body. Where is commissioned by Hertfordshire, their reporting procedure for notifying them of complaints will be followed.

Where complaints are to be shared as part of learning, the complaint will be anonymised so there is no identifiable Service User information, in line with UK GDPR and data protection law.

5.5 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 must 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 against staff within , the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to the disciplinary process, but the details of the outcome or ongoing investigation will remain confidential.

5.6 One Complaint, One Response

Where more than one organisation is involved in the Service User's , they, or their representative, will be able to complain to any of them and will contact the other organisations, carry out a joint investigation and provide a single joint response. Service Users must not have to contact each organisation separately.

If someone complains and is not responsible for the care or service complained about, rather than turning the complainant away, will share the concerns with the correct organisation(s). It will be necessary to obtain the individual’s permission to do this. If the person prefers that their complaint is not shared with another organisation (or organisations), will signpost them to the right organisation instead and provide the person with their contact details.

will follow LGO guidance for managing this.

5.7 Who is Responsible for Complaint Resolution at ?

All efforts will be made by Harriet Davis to resolve all complaints within . If a Service User does not wish to raise a complaint directly to management within , in the first instance, staff will try and sensitively establish their reasons why and aim to resolve and address any concerns that present.

recognises the importance of Service Users being able to speak freely and raise a concern or complaint regarding anyone in the organisation, including the Registered Manager. Service Users are provided with information relating to who to contact in the event that this is necessary.

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Please see the Complaint Procedure for Service Users in the Forms section.

5.8 Anonymous Complaints

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

5.9 Unresolved Complaints

In the event that a Service User feels that their complaint is unresolved, there are many bodies that can support or will need to be informed to assist with this:

1. The

The will not investigate complaints on behalf of individuals but does like to be informed of any concerns regarding a care provider, such as poor care that has been seen or experienced. Information given to the will help to prevent others from going through the same experience and can be fed back via:

- Website www.cqc.org.uk
- Email enquiries@cqc.org.uk
- Address:

2. The Local Government and Social Care Ombudsman (for those Service Users that are funded by local authority-funded social services care or self-funded)

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

Self Funded Care

The Local Government Ombudsman (LGO) may investigate complaints from people who arrange their own care. Self funders will have the right to complain to an independent and impartial Ombudsman.

Individuals must 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.

3. Parliamentary and Health Service Ombudsman (for Service Users 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 make contact via:

- Telephone 0345 0154033
- Email phso.enquiries@ombudsman.org.uk
- Website www.ombudsman.org.uk
- Address: Parliamentary and Health Service Ombudsman, Millbank Tower, 30 Millbank, Westminster, London, SW1P 4QP

Harriet Davis can also signpost individuals to Healthwatch and the local Independent Complaints Advocacy Service (ICAS).

4. Integrated Care Systems

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 here.

5. 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 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:

enquiries@threerivers.gov.uk, 01923 776611

6. 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 Registered Manager.

For any external bodies managing complaints, will work with the external body providing information as requested, within any agreed timescales expected.

Decisions to raise complaints outside of will be fully respected and the Service User will be supported to raise their complaint with the commissioner of the service or to seek the support of an independent advocate or representative. Staff can also refer to section 5.6 for a further list of organisations that can be accessed.

Service Users can also be signposted to Citizens advice guidance.

5.10 Vexatious Complaints

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Occasionally, may receive complaints that are vexatious in that they cause considerable disruption to the work at , disproportionate cost and time to handle, and impact the wellbeing of staff (because of the way the complaint is made or because of its repetitive nature).
will ensure that it meets the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled Service Users. In some circumstances, Service Users may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, will consider the needs and circumstances of the Service User or complainant in the first instance and use this information to inform any decisions that are made.
Where appropriate, will consider complaints to be vexatious, but would not label an individual complainant as vexatious. Even if decides that an individual's complaint about the service is vexatious, that does not preclude that person from making a formal complaint. would still consider any such complaints in line with the usual procedures, as outlined in this policy.
To help decide whether a complaint is vexatious will consider the full history and context of interactions with the individual making the complaint, and will look at both the nature of the complaint and the manner in which it is made. The particular issues that will inform a decision will include whether:

- The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise , its staff or an individual member of staff
- The primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt and or/pressurise the , its staff or an individual member of staff
- The complaint is otherwise clearly unreasonable

If at any point in the handling of a complaint a member of staff believes it meets the criteria to be deemed vexatious, it must be referred to the Registered Manager with a summary of why it is thought to be vexatious.
Harriet Davis will consider the complaint, seek external advice if appropriate, and will either declare the complaint as being vexatious or not. Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.
If a complaint is deemed to be vexatious, the Registered Manager will respond directly to the complainant explaining why it is thought to be so and will explain that the complaint will be closed with no further action.
The Registered Manager will also consider if the making of a vexatious complaint also requires the application of a restriction on communication following unreasonable behaviour.
The decision to declare a complaint as vexatious will be recorded in the complaints register for future reference.
Any declaration that refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.
If any individual wishes to challenge a decision made in relation to this policy, and all attempts to resolve the complaint locally have been unsuccessful, details of the Complaints Team of Hertfordshire and Parliamentary and Health Service Ombudsman (PHSO) will be shared with the complainant.

5.11 Compliments

Receiving compliments is an opportunity to celebrate and recognise success. will ensure that:

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

5.12 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 meetings or as part of a conversation, these will be documented and then outcomes of such suggestions recorded to show consideration
- Staff will be encouraged to share their suggestions, or suggestions received by relatives and Service Users, with Harriet Davis

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- Harriet Davis will consider implementing a suggestions system to encourage comments from Service Users, staff and visitors

5.13 Audit and Evaluation

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

will also:

- Share themes and trends with s working for
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

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