



Complaints Policy & Procedure

Organisation:

Persona Care and Support Limited

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Laura Wolstenholme, Head of Workforce		1	09.05.2016

1. BACKGROUND

- 1.1 Quality is at the heart of what we do and is one of the core values for us as an organisation. To enable us to demonstrate a proactive, consistent and rigorous approach to this area of the business, we will continuously work to develop and implement a consistent and person centred Quality Management Framework (QMF) for Persona Care and Support Limited.
- 1.2 As part of the overall Quality Management Framework, Persona Care and Support Limited commits to taking a proactive and positive approach to dealing with any complaints it receives. We use complaints positively to learn, develop and/ or improve the services we provide to our customers at all times.
- 1.3 Persona Care and Support Limited has developed its own complaints policy and procedure which is effective, efficient, consistent and places its customers and their experiences at the heart of what we do.
- 2.3 The Quality Management Framework (QMF) will be established in partnership with all our key stakeholders/ partners throughout. Persona Care and Support Limited will be using the Care Quality Commission's (CQC) Key Lines of Enquiry (KLOEs) as its baseline standard for all its services. (www.cqc.org.uk) to achieve service compliance in line with these standards.

2. WHO DOES THIS PROCEDURE APPLY TO?

- 2.1 This procedure applies to those who wish to make/or have made a complaint in relation to Persona Care and Support Limited; the objectives are to ensure that:
 - All complaints are dealt with in a consistent manner across all services within Persona Care and Support Limited.
 - All complaints are dealt with efficiently and effectively
 - Complaints are properly investigated
 - Complainants receive a timely and appropriate response
 - Complainants are told the outcome regarding the investigation of the complaint
 - An apology is given if required
 - Appropriate action is taken where necessary
 - Persona Care and Support Limited continue to learn and develop its services following complaints.

3. WHAT IS A COMPLAINT?

- 3.1 A complaint may be generally defined as an expression of dissatisfaction or poor experiences about the actions, decisions or apparent failings of any services provided by Persona Care and Support Limited.
- 3.2 Sometimes people may report that they have 'concerns' regarding a social care service, but often want to avoid making a fuss or a formal complaint. By listening to people voicing their concerns, managers can resolve mistakes faster, learn new ways to improve and prevent the same problems from happening in the future.

- 3.3 Persona Care and Support Limited encourages customers and/or their representatives to inform and resolve any concerns they may have at the first point of contact with the management team of the particular service in the first instance. This enables concerns to be resolved informally and quickly without using the formal complaints procedure.
- 3.4 In the event that a complaint cannot be resolved informally with the management team of the particular service, then a formal complaint should be made in line with the procedures outlined in this policy.

4. **TIMESCALES**

Action	Timescale and Details
For making a complaint	<p>There is a time limit of 12 months from when the matter being complained about occurred, to when a complaint may be made.</p> <p>After this time, a complaint will not normally be considered; however, the 12 month time limit does not apply where the organisation is satisfied that the complainant has good reasons for not making the complaint within that time limit and where it is still possible to investigate the complaint effectively and fairly.</p>
Acknowledge receipt of a complaint	<p>If it is possible to resolve the matter immediately (within 24 hours) there may be no need to engage the complaints process.</p> <p>Written acknowledgement of a formal complaint will be sent within 3 working days of receipt by the Quality & Customer Experience Team at Persona.</p>
Resolving complaints	<p>There are no statutory timescales with which the Organisation must comply when resolving complaints. However, it is acknowledged that when someone has made a complaint, it is important to both them and the organisation to resolve the matter as soon as possible in an effective and efficient manner and, wherever possible, to the satisfaction of the complainant.</p> <p>The aim, therefore, is to send a written response to a complaint within 20 working days for Stage 2 – Management Responses or 40 working days for Stage 3 – Directors Responses.</p> <p>The complainant will be advised of this by the Quality & Customer Experience Team. If this is not possible the complainant will be advised of any delay, the reason for the delay and provided with a new response date</p>

5. WHO CAN COMPLAIN?

- 5.1 Complaints can be made by someone who:
- *Is receiving or has received services from the organisation*
 - *Is affected, or likely to be affected, by the action, omission or decision of the organisation*
- 5.2 A complaint may be made by a representative, acting on behalf of a person who has died, or is unable to make the complaint themselves because of:
- *physical incapacity, or*
 - *lack of capacity within the meaning of the Mental Capacity Act 2005*
 - *has requested that a representative act on their behalf*
- 5.3 Appropriate written consent must be provided in these instances
A complaint by a representative will not be considered if the organisation is satisfied that the representative is not acting in the best interests of the person on whose behalf the complaint is being made. If this occurs, the organisation will inform the representative of the reason for this decision in writing.

6. WHAT CAN BE COMPLAINED ABOUT?

- 6.1 Customers (or their representative with required consent from the complainant) are able to use the complaints procedure for any matter reasonably connected with the practice and experience of a service provided by Persona Care and Support Limited
- 6.2 This deliberately allows for complaints about a very wide range of issues. If someone is unsure whether their complaint falls within the scope of the arrangements, the Quality and Customer Experience Team at Persona Care and Support Limited can offer further advice and guidance.

7. WHAT IS EXCLUDED FROM THE COMPLAINTS PROCEDURE?

- 7.1 The arrangements cannot be used by health organisations or local authorities against other health organisations or local authorities. Similarly, staff working within, or contracted to, those types of organisation cannot use the arrangements to complain about employment, contractual or pension issues.
- 7.2 The procedure allows a complaint to be investigated even if disciplinary action is being considered or taken against a member of staff, provided the organisation has regard to good practice around restrictions in providing confidential/personal information to the complainant. Although the complaints handling arrangements operate alongside the disciplinary arrangements, the two procedures remain separate.
- 7.3 In the event of a grievance or disciplinary action being taken, the Head of Workforce at Persona Care and Support Limited must be notified and involvement from the relevant personnel will be arranged as appropriate.
- 7.4 The Government believes it is important, wherever possible, to ensure the potential implications for customer health, safety, welfare and organisational

learning are investigated as quickly as possible, to allow urgent action to be taken to prevent similar incidents arising.

- 7.5 The position in cases where legal action is being taken or the police are involved is slightly different. On receipt of a complaint in these circumstances, the Government expects discussions to take place with the relevant authority (for example, legal advisors, the police, or the Crown Prosecution Service) to determine whether progressing the complaint might prejudice subsequent legal or judicial action.
- 7.6 If so, the complaint will be put on hold, and the complainant will be advised of this fact. If not, an investigation into the complaint will take place. Again, the Government believes it is important, wherever possible, to ensure the potential implications for the safety of customers/patients and/or organisational learning are investigated as quickly as possible to allow urgent action to be taken to prevent similar incidents arising.
- 7.7 Also excluded from the arrangements will be complaints:
- That have already been investigated under the complaints procedures,
 - Which are being or have been investigated by a Local Commissioner

8. HOW COMPLAINTS MAY BE MADE:

Method	Details
In writing...	By downloading and completing our complaints leaflet which are available direct from the services themselves, alternatively you can download a copy from our website at www.personasupport.org . Any written complaints need to be returned to: Quality & Customer Experience Team Head Office, Persona Care and Support Limited Grundy Centre, Wellington Road, Bury, BL9 9AH.
By telephone...	Contact the Quality & Customer Experience Team at Persona Care & Support Limited on 0161 253 6000.
By Email...	By sending an email to info@personasupport.org
Online at...	By completing the contact us form on our website at www.personasupport.org .

9. ANONYMOUS COMPLAINTS

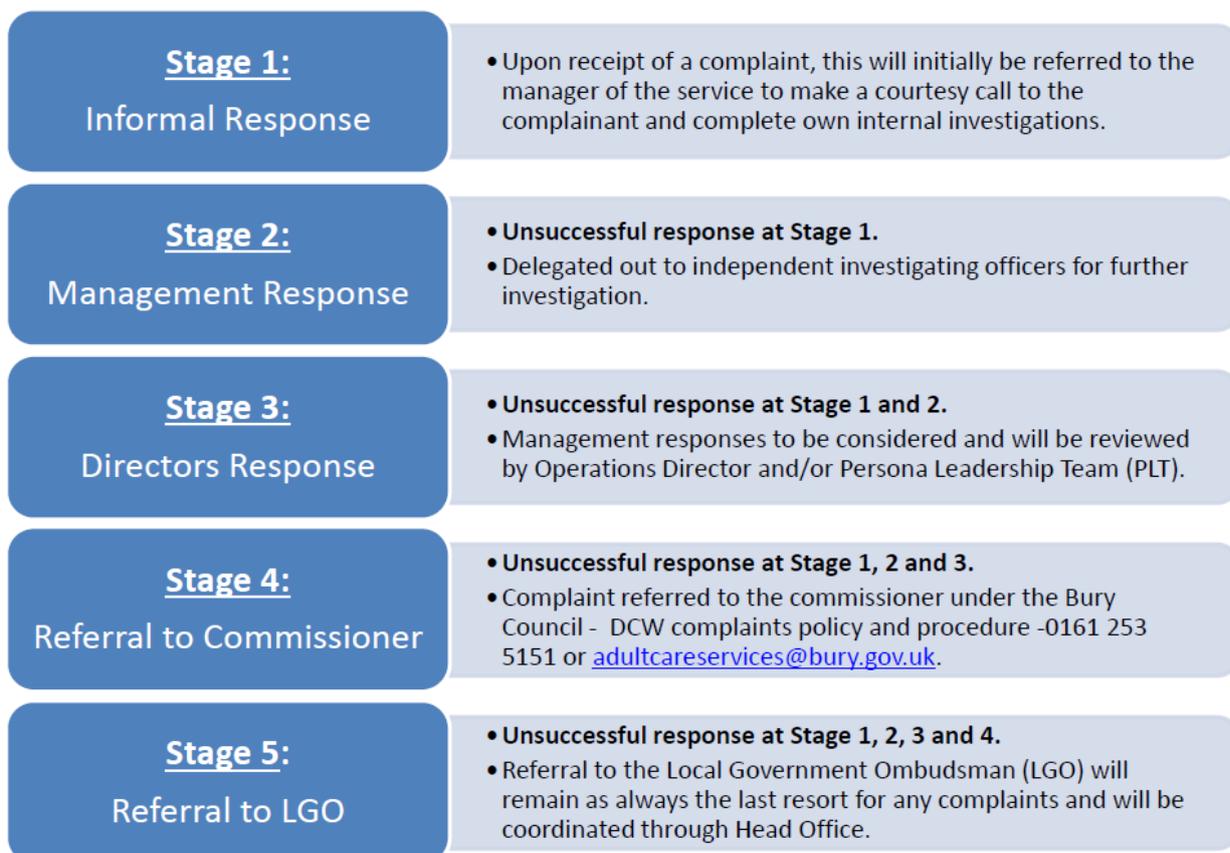
- 9.1 These complaints fall outside of the scope of the statutory complaints procedure and it is the responsibility of the Quality & Customer Experience Lead to decide what action, if any, should be taken.

10. LEVELS OF RESPONSE

10.1 If a complaint is sent direct to Persona Care and Support Limited, the Quality & Customer Experience Team will obtain consent from the complainant for details of the complaint to be sent to the manager of the relevant service - this will ensure:

- All provider complaints/concerns brought to Persona Care and Support Limited’s attention will be logged. Information will be sent to the manager of the service and they will be asked to investigate and provide a response.
- If the complaint is in part the responsibility of Persona Care and Support Limited, the Quality & Customer Experience Team will notify the complainant which part of the complaint will be handled by Persona Care and Support Limited.
- The Quality & Customer Experience Team will work with the relevant individuals from the service for the purpose of ensuring the complainant receives a co-ordinated response
- If the complainant is not satisfied with the response from the management team of the particular service or has valid reason for not taking the complaint to the particular service, the complaint may, at the Quality & Customer Experience Lead’s discretion be taken through the Persona Care and Support Limited complaints procedure.

10.2 As part of the Persona Complaint Policy and Procedures, there are 5 stages to our approach to dealing with and responding to formal complaints received by Persona Care and Support Limited.



10.3 Where practicably possible, Persona Care and Support Limited will aim to deal with all complaints at stage 1-3 of the above process, however in the

event that resolution at these stages are unsuccessful, then stage 4-5 will be completed where appropriate.

11. HOW WE DEAL WITH COMPLAINTS?

- 11.1 Upon receipt of a complaint, the Quality & Customer Experience Team at Persona Care and Support Limited will record the complaint, send a written acknowledgement within 3 working days which notifies the complainant of who will be investigating and responding to their complaint.
- 11.2 Persona Care and Support Limited will obtain any required written consent where appropriate and also keep the complainant informed if there is a delay to the written response being sent, the reason for this and, if appropriate, confirm a revised response date.
- 11.3 If a member of staff receives a complaint directly and it is not possible for them to resolve the matter simply and quickly (within 48 hours) they should forward the complaint to the Quality & Customer Experience Team at Persona Care and Support Limited as quickly as possible so the above actions can be implemented.
- 11.4 Persona Care and Support Limited will always seek to resolve complaints and concerns at the earliest opportunity. The focus remains firmly on effective and timely resolution and using outcomes from complaints to improve services.
- 11.5 On occasion, it may be necessary for a complaint to be investigated by someone independent of the service but most complaints will be investigated by someone from within the organisation and who is appropriately trained. As soon as is practicable after completing the investigation of the complaint, the Investigating Officer must send the complainant a written response.
- 11.6 There are templates for completing management and/or director responses. In brief, responses should include the following:
 - A statement of the complaint (a summary agreed with the complainant at the start of the process).
 - An explanation of how the complaint has been considered.
 - What the investigator has taken into account e.g. things the complainant has said, information the investigator has obtained – what and from whom (being mindful of confidentiality), relevant organisational policy/guidance, relevant law.
 - The Investigator's decision and the reasons for it. What will happen next, if action is to be taken, how, when and by whom
 - An apology if appropriate. If the complainant disagrees, how they can challenge the decision
- 11.7 If the complainant remains dissatisfied with the way their complaint has been handled or the response to it following the investigation, the Quality & Customer Experience Lead will discuss with the complainant a way forward to resolve any outstanding issues. The Quality & Customer Experience Lead will advise the complainant to escalate their complaint to the appropriate stage if outstanding issues cannot be resolved.

13. CO-ORDINATED WORKING ACROSS PROFESSIONAL BOUNDARIES

13.1 An important principle behind complaints handling is that all relevant stakeholders work together to ensure a co-ordinated handling and to provide the complainant with a single response that represents each organisation's final response.

14. IMPROVING AND LEARNING FROM COMPLAINTS

14.1 Complaints provide a vital source of insight about our customer's and/ or other relevant stakeholder's experiences and levels of satisfaction of the services provided by Persona Care and Support Limited and how these services can be improved.

14.2 Social Care Managers should evidence how they use feedback to improve care and support service they offer. By working in partnership with those who provide, support and use a service, they use customers' experiences to:

- Identify service problems and make timely improvements to the services provided
- Improve staff learning and enhance professional development.

15. RECORD MANAGEMENT AND DATA PROTECTION

15.1 All functions of the complaints procedure must adhere to the requirements of the Data Protection Act 1998 and the Freedom of Information Act 2000.

16. SELF FUNDED SERVICES

16.1 With effect from October 2010 adults who fund their own social care have had access to an independent complaints review service provided by the Local Government Ombudsman made (LGO). The LGO are able to review complaints about privately purchased care by users, their family or others affected by the actions of a regulated adult care provider.

For more information about this service customers should refer to the LGO website: www.lgo.org.uk

17. COMPLAINTS WHICH INVOLVE SAFEGUARDING ADULTS

17.1 There are sometimes occasions when a complaint may highlight a possible safeguarding issue. Persona Care & Support Limited has a zero tolerance approach towards safeguarding Adults and as such any safeguarding concerns which become apparent through the complaints procedure will be processed through the safeguarding procedure.

17.2 Such instances will be recorded as a complaint by the Quality & Customer Experience Team, but will then be referred for investigation under Safeguarding Adults Procedure. If the Safeguarding Adults Procedure is activated then this takes priority and action in relation to the complaint will cease until the Safeguarding procedure is complete. The Quality & Customer Experience Team will inform the complainant in writing in this event.

18. PERSISTENT AND UNREASONABLE COMPLAINANTS

- 18.1 Despite best efforts to resolve a complaint, people who make complaints can sometimes become aggressive or unreasonable. Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated. Their contacts with the organisation may be amicable but the frequency and extent of contact still place very heavy demands on staff time and resources, or they may be very emotionally charged and this can be distressing for all involved.
- 18.2 On rare occasions, despite best efforts to resolve a complaint, the person making it can become aggressive or unreasonable. There are a number of ways to help manage such situations and Persona Care and Support Limited will give consideration to:
- Ensuring contact is overseen by a manager at an appropriate level within Persona Care and Support Limited.
 - Provide a single point of contact with an appropriate member of staff, making it clear to the complainant that other members of staff will be unable to help them
 - Requesting the complainant to make contact in only one way, appropriate to their needs (e.g. by telephone)
 - Placing a limit on contact with the complainant
 - Restricting the number of calls or meetings the service will have with the complainant during a set period
 - Refusing to register repeated complaints about the same issue

19. COMPLAINTS RELATING TO REGULATORY STANDARDS– CARE QUALITY COMMISSION (CQC)

- 19.1 Where appropriate the CQC can use their powers of inspection to undertake enquiries to enable them to make a judgement as to whether a provider is complying with the Government's standards of quality and safety. They have no statutory powers to investigate complaints.
- 19.2 Their guidance has 4 main points:
1. The responsibility for handling concerns and complaints about services rests with the service provider.
 2. The commission will consider the fitness of the provider's own procedures for handling concerns and complaints
 3. Other procedures may provide a better route for resolving particular kinds of complaint (e.g. the funding authority's complaints procedure)
 4. Safeguarding issues are the responsibility of local authority co-ordinated protection services.

20. LOCAL GOVERNMENT OMBUDSMAN (LGO)

- 20.1 The LGO is Stage 5 of the complaints procedure for Persona Care and Support Limited and is the last resort in the event that a complaint continues to be unresolved.

- 20.2 The LGO will normally only consider investigating a complaint after it has exhausted the statutory complaints procedure and the LGO have legal powers to decide whether or not to consider a complaint. There are some things which the LGO do not have the powers to investigate and if they are unable to do so they will tell complainants about other organisations which may be able to help.
- 20.3 Responses to complaints received by the LGO are co-ordinated in partnership with the Quality & Customer Experience Team and Persona Leadership Team.
- 20.4 Actions by the Local Government Ombudsman (LGO):
- The LGO will conduct an inquiry and ask the organisation to provide a brief background to the case, for information about the organisation's knowledge and approach to the complaint and any planned actions.
 - Following the organisation's response the LGO will decide whether or not to investigate further.
 - If the LGO decides to investigate, they will advise all parties.
 - The LGO may visit the organisation to view the records and interview staff where appropriate.
 - The LGO will follow a laid down procedure of formal investigation, produce a report and conclusions, against which there is no right of appeal.

21. ADVOCATES

- 21.1 There is no statutory duty to provide an advocacy service to complainants. The organisation will however, where appropriate, facilitate the provision of independent advocacy services and make a referral to such services on behalf of complainants.
- 21.2 With respect to complainants who lack mental capacity (reference Mental Capacity Act 2005); the Organisation can offer an Independent Mental Capacity Assessor (IMCA). The IMCA service is an independent service whereby an Advocate will provide one to one support for the person lacking capacity, just as a friend or relative would. IMCA services are provided by organisations who are independent from the Persona Care and Support Limited.

22. COMPLIMENTS

- 22.1 Here at Persona we want to celebrate our successes - our aim is to acknowledge and promote all aspects of good practice.
- 22.2 All compliments received are recorded on a central database and should always be passed on to the Quality & Customer Experience Team.
- 22.3 This information is reported quarterly to the Persona Leadership Team, Shareholder Panel and/or Persona Board Members.

23. USEFUL CONTACTS

- 23.1 **Persona Care and Support Limited**

Quality & Customer Experience Team
Grundy Centre, Wellington Road, Bury, BL9 9AH

Tel: 0161 253 6000
Email: info@personasupport.org
Website: www.personasupport.org

23.2 Bury Council - Department for Communities & Wellbeing

Customer Engagement Manager
3 Knowsley Place, Duke Street, Bury, BL9 0SW

Tel: 0161 253 5151
Website: www.bury.gov.uk

23.3 Local Government Ombudsman Advice Team

P.O. Box 4771, Coventry, CV4 0EH

Tel: 0300 061 0614
Fax: 024 7682 0001
Website: www.lgo.org.uk

24. SUPPORTING APPENDICES

24.1 Appendix 1: Complaints Leaflet



Persona Complaints
Leaflet.pdf

24.2 Appendix 2: Complaints Procedure



Complaints
Procedure.pdf