

July 2022

Complaints and Concerns Policy and Procedure

This document relates to

Central Support Services XX

Education Services XX

Operational Care Services XX

Contents

1. Aims	3
2. Definition of a complaint or concern	4
3. The 5 key principles we will follow	4
4. How to make a complaint	4
5. Timescales for making a complaint	5
6. Process	5
7. Confidentiality	7
8. Persistent and repeated complaints from people who receive a service from Livability	8
9. Complaint recording	8
10. Duty of Candour	9
11. Appeals process	9
Contact Details for Regulators	10
Policy and procedure ownership	12

Introduction

This document outlines our commitment to dealing with complaints about the service we provide. It also provides information about how we manage, respond to and learn from complaints made about our services. Livability will treat complaints seriously and ensure that complaints, concerns and issues raised by all stakeholders are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by the investigating officer.

1. Aims

We are committed to high quality care for all as a core principal of our vision and purpose. We will ensure that those who use our services and their representatives can seek advice, provide feedback or make a complaint about the services we provide.

When dealing with a complaint we will adhere to the following principles:

- Listen to the views of all those involved
- Treat all involved in the process with dignity and respect
- Be open and transparent
- Ensure the process is accessible to all
- Follow an evidenced based process during the investigation and response process
- Sympathetically respond to complaints and concerns in appropriate timeframes
- Provide opportunities for people to offer feedback on the quality of service provided with or without a formal complaint
- Provide complainants with support and guidance throughout the complaints process
- Provide a level of detail appropriate to the seriousness of the complaint
- Identify the causes of complaints and to take action to prevent recurrences
- Effective and implemented learning - use 'lessons learnt' as a driver for change and improvement

- Ensure that the care or education of complainants or their families are not adversely affected as a result of making a complaint
- Act as a key tool in ensuring the good reputation of Livability

2. Definition of a complaint or concern

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of Livability, either verbal or written, and whether justified or not, which requires a response.

3. The 5 key principles we will follow

- **Principle one:** ensure that the complaints process is accessible
- **Principle two:** ensure that the complaints process is straightforward for the people we support and their representatives
- **Principle three:** ensure that appropriate systems are in place to keep the children, young people and adults we support informed throughout the complaints process
- **Principle four:** ensure that the complaints process is resolution focused
- **Principle five:** ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback

4. How to make a complaint

A complaint can be made:

- By speaking to a staff member in the service, school or college
- By emailing or telephoning the manager of the service, school or college. For schools/colleges please use the template at the end of this document if making a complaint in writing.
- By telephoning the complaints team 0191 933 7572
- By emailing the complaints complaints@livability.org.uk

We will endeavour to make the necessary reasonable adjustments in order to receive, investigate and respond to any complaint. For people whose first language is not English, we will access telephone interpreting services. We can also accept and respond to complaints in alternative formats.

Livability has an easy read booklet to support people to make a complaint, this should be made available to all of the people we support in our Care Operations Directorate.

Contact details of organisations that regulate and inspect Livability services may be found on page 10 of this document. These may include: CQC, CSSIW, RQIA, Local Education Authority (LEA), Ofsted, the Department for Education (DfE), Education Skills & Funding Agency (ESFA), and Local Authority Monitoring Services.

Regulators generally will not get involved in individual complaints, but require a thorough response to the complainant. They will however assess the impact on service provision, and respond accordingly.

The Local Government Ombudsman (LGO) or Northern Ireland (NI) Ombudsman can be contacted by the complainant and ask for their case to be reviewed. This provides a free, independent service if the complainant feels certain regulators have not dealt with their complaint satisfactorily in the social care arena.

5. Timescales for making a complaint

Complaints should be made at the time of the act, omission or decision in order to investigate the complaint effectively and fairly.

We do recognise that there may be a delay at times, if the child, young person or adult supported requires assistance to raise the complaint or needs time to discuss their concerns with a family member, friend, advocate or health care professional.

6. Process

All complaints will be acknowledged no later than three working days after the day the complaint is received (the acknowledgement will usually be in writing but can be verbally in some circumstances although this should be the exception rather than the norm).

An offer should be made to discuss with the complainant the following:

- the handling of the complaint
- Timescales for responding
- Expectations and desired outcome if unclear

If the complaint has been made verbally, the complainant should be given a copy of their verbal statement which is considered the formal complaint and asked to confirm that it represents the issues they wish to raise.

Having established that a complaint has been made, the complainant should be given a named contact along with their contact details (either locally or nationally) who will be their point of contact throughout the complaints process. This should not be the investigating officer or anyone involved in the complaint.

The complainant can expect that:

- They will be kept up to date with the progress of their complaint
- If a complaint or concern has passed the 5 working day target (or the timescale agreed with the complainant if different), the complainant should receive an update every 5 working days thereafter the target has been surpassed. This could be by telephone, email or letter but the format should be agreed with the complainant at the start of the process.
- They can expect to receive a quality response with assurance that action has been taken to prevent a recurrence.
- They will be informed of any learning following the investigation.
- Our response to a complainant will be, wherever possible, by their preferred method of communication. On receipt of the investigation report a response to the complaint will be prepared and the investigating officer will include information on the next stages of the complaints procedure should the complainant wish to take matters further.
- An explanation of how the complaint has been considered.
- An apology if appropriate.
- An explanation based on facts.
- Whether the complaint in full or in part is upheld.
- The conclusions reached in relation to the complaint including any remedial action that the organisation considers to be appropriate.

- Confirmation that the organisation is satisfied any action has been or will be actioned.
- Where possible, we will respond to people about any lessons learnt.
- Information and contact details of the appeals process and contact details for the appropriate regulator.

A key consideration is to make arrangements flexible; treating each case according to its individual nature with a focus on satisfactory outcomes, organisational learning and those lessons should lead to service improvement.

We are committed to quality responses and as such, we will be carrying out regular reviews of complaints handling including internal quality monitoring. If at any time during the complaint process the complainant or their representative or advocate decides they would like to withdraw the complaint this request can be made either verbally or in writing. The withdrawal of a complaint will be acknowledged in writing.

7. Confidentiality

Complaints will be handled in the strictest of confidence in accordance with our Confidentiality Policies, and will be kept separately from the care records and education records for the children, young people and adults we support. Care will be taken that information should only be disclosed to those who have a demonstrable need to have access to it.

Suitable arrangements are in place for the handling of people we support identifiable data to meet the compliance of the Data Protection Act and other legal obligations such as the Human Rights Act 1998 and the common law duty of confidentiality.

The Caldicott Report sets out a number of general principles that health and social care organisations should use when reviewing its use of the people we support information. The designated Caldicott Guardians are responsible for ensuring that confidentiality is maintained. Confidentiality will be maintained in such a way that only managers and staff who are leading the investigation know the contents of the case. Anyone disclosing information to others who are not directly involved in this may be dealt with under disciplinary procedures.

8. Persistent and repeated complaints from people who receive a service from Livability

There will be occasions where a person for a variety of reasons wishes to make repeated complaints about the same matter/issue.

The principle is that we will seek to uphold the individual's rights to make a complaint and work to reach a satisfactory outcome. If the available resolution has been offered and there continues to be a complaint of the same matter/issue then completing repeated complaints forms is unlikely to result in an improved outcome.

Therefore, in agreement with a senior manager the specific matter/issue being raised must be logged in the care/support plan or education health care plan as an area needing resolution. The complaints log will need to record that this is the action that has been taken for all further complaints on this matter/issue.

The agreed actions will need to be recorded in the relevant plan and staff need to complete the daily records to record the outcomes.

This will enable the matter/issue to be discussed and reviewed in care or education key worker meetings and the individual's reviews.

Care must be taken to identify the specific nature of repeated complaints so they are addressed in a robust and transparent approach and not combined into an overall level of dissatisfaction.

If relevant the matter should also be discussed with the named social worker or duty team, if we are not able to resolve this matter.

9. Complaint recording

All complaints including verbal must be logged onto the system.

You can log a complaint by sending it to the complaints email address complaints@livability.org.uk

The complaint will only be investigated once it has been confirmed as a complaint and allocated to the investigating manager, this is done centrally.

The investigation report along with the final letter, must be sent to the complaint's email address, so that the complaint can be closed on the system.

10. Duty of Candour

The Duty of Candour is a requirement for all service providers of regulated activities.

The Duty of Candour requires Livability to act in an open and transparent way in relation to care and treatment provided to the children, young people, and adults we support. This duty applies to our dealings with those we support themselves, or, in limited circumstances, a person acting on their behalf.

Where a person is affected adversely in receiving a care or education service they have a right for this to be recognised.

For every person in Livability who makes a written complaint we will respond in line with the Duty of Candour requirements, acknowledging in writing ultimately with an apology and a commitment to learn from the event. Further we will seek to share the learning and outcomes where applicable to minimise the risk of repeated occurrences

The **Involvement and Communication with Relatives, Advocates, Friends and Carers Procedure** provides specific guidance on how incidents should be communicated to meet the Duty of Candour for those receiving Social Care.

11. Appeals process

If complainants are not satisfied with the outcome of an investigation, they can appeal. The appeal should be forwarded to the Livability Complaints Receiver. The appeal should be made within 7 days.

Appeals can be made verbally or in writing, and where required, local managers should assist the person we support with the process to raise, make and register the appeal.

The process for managing appeals is as follows:

- The first investigation should be reviewed by the investigator's line manager. If after review it is the opinion of the appeals investigator that there are no grounds for appeal, the complainant should be informed either through a meeting or a letter, and if it's a meeting a letter will be sent following the meeting. Minutes should be taken at the meeting, Operational Shared Services can support with this.

- If further investigations or actions are required a further investigation will be commissioned with another manager not connected with the event, this will be allocated centrally. The complainant informed and the timescales explained. The relevant Executive Director should be kept closely informed.
- The outcomes of this further investigation will be discussed with the responsible senior manager or director, and a proposal for resolution agreed.
- The complainant should be informed of the outcome of the appeal by letter with a view to closure. This letter must inform the complainant of their legal right to inform the relevant regulator or complain to the Local Government Ombudsman or NI Ombudsman, or the Department for Education if they are still not satisfied.
- Regulators will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.
- Information on local advocacy services should be available through the local service.

Contact Details for Regulators

English Regulator

Care Quality Commission (CQC) Care Quality Commission, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA

enquiries@cqc.org.uk

Tel: 0300 616161

Welsh Regulator

Care Inspectorate Wales (CIW) Complaints in Wales are regulated through the Public Services Ombudsman for Wales and are as follows:

<http://www.ombudsman-wales.org.uk/>

Or you can write to:

Care Inspectorate Wales, Welsh Government, Rhydycar Business Park, CF48 1UZ.

Northern Ireland Regulator

Complaints and Representations Manager

The Regulation and Quality Improvement Authority (RQIA) 9th Floor Riverside Tower, 5 Lanyon Place, Belfast, BT1 3BT

<https://rqia.org.uk/> Tel: 028 9051 7500

Local Government Ombudsman (LGO).

LGO Telephone: 0300 061 0614

Email: advice@lgo.org.uk

Website: www.lgo.org.uk

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the school, unless the decision made was manifestly unreasonable. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education online at:

www.education.gov.uk/contactus

telephone: 0370 000 2288

<https://www.gov.uk/complain-about-school>

Complaints Form Livability Education Settings

Please complete and return

Your name:
Service user/Student name (if relevant):
Your relationship to the service user/student (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school/college about it.

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:
Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date:

Policy and procedure ownership

Procedure Name	Version
Complaints and Concerns Policy	7.0

Date published	Date for next review
January 2022	January 2024

Approved by	Signature	Date
Jane Percy	<i>Jane Percy</i>	January 2022

History	Date	Author	Reason
6.0	February 2018	Liz Mell	Revised
7.0	January 2022	Jane Percy	Rewrite