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# Complaints and Compliments

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### Regulatory requirements

#### Fundamental Standard

#### Regulation 16 – Receiving and Acting on Complaints

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014

#### Action CQC may take:

A summary of complaints, responses, correspondence and other information must be provided within 28 days of CQC making this request. Failure to do so may be prosecuted without a prior Warning Notice

### Appendices

There are no appendices for this Standard.

### Learning and Development

Induction: Read this standard

Complaints and Compliments Workshop

Safeguarding Adults

# Complaints and Compliments

## Why have this Standard?

Complaints must always be responded to positively. A person you support has the right to make a complaint if they feel they are not getting the support that they had hoped for.

They have the right to complain if they think that they have been treated unfairly or in a way that does not respect their human rights.

You must be able to recognise when a person needs support to make a complaint, know how to do this, and help them understand what to expect when they make a complaint.

You should know how to support people to make their views known and to make complaints to other agencies.

You should know what to do if anyone else makes a complaint.

You should also know how to record a compliment.

## This Standard...

- explains why you should welcome complaints as well as compliments
- tells you how to **empower\*** the people you support by making sure that they know that they can make a complaint
- describes 'Making Things Better' - an accessible format for complaints
- tells you how to support a person to make a complaint or compliment
- describes how to respond to complaints or compliments from anyone else
- describes the role of the Local Government Ombudsman and other agencies that receive complaints
- describes what to do if someone other than Hft wants to use surveillance
- describes how Complaints are monitored
- describes the Duty of Candour

### Introduction

Complaints and compliments are important. They should be welcomed as they are one of the ways that people give feedback on the support that you and others provide. If mistakes have been made they can be put right and improvements can be made. You will have training about the Complaints Procedure in your Induction.

Hft Complaints Procedure was revised (March 2015). It applies to all Hft Departments.

You **MUST** read the Complaints Procedure. You will then know how to respond to a complaint. Complaints made anonymously are recorded and responded to in the same way.

#### [Link to: Complaints Procedure](#)

Compliments are also welcomed and recorded. It is good to know when things have gone well and, if relevant, do more of this.

Hft's on-line Complaints and Compliments log records how a complaint was responded to and if mistakes were made what changes were made as a result of this.

As part of the process of agreeing to support from Hft, your manager will give the person and/or their representatives a copy of the Hft Complaints Procedure and the accessible Complaints form 'Making Things Better'.

The Complaints Procedure is on the Hft website for anyone to use.

### Empowering\* the people you support

The people you support have a right to make complaints about the way they are supported.

You must do all you can to **make sure** that a person you support knows their rights, and can make a complaint if they feel they are not getting the support they expected or are being treated unfairly. Your job is to support each person to develop skills to communicate, and **assist** them in speaking out.

Some people you support may not recognise that their rights are not being upheld, or that they are being treated unfairly. Some people may not have the confidence or communication skills to make a complaint. It is your job to recognise when a person

is being treated unfairly, or has the grounds to make a complaint, and then support them to make a complaint.

A person may not want to make a complaint. You should remind them that this is a way to get things changed. Some people prefer to use a 'Grumbles' book to get minor complaints sorted out. Your manager must do all they can to resolve the 'grumble' and must decide when an unresolved 'grumble' should become a complaint.

Voices to be Heard have written an accessible resource called 'Are you getting what you should from Hft?' This covers Confidentiality, Consent to Support, Keeping Safe, Involvement and rules Hft staff must follow.

[Link to: Are you getting what you should from Hft](#)

A person must feel safe (and not be **discriminated\*** against) if they make a complaint. A person must feel listened to and know that someone will act in response to their complaint – that something will be done. This may be about not receiving the right support or not feeling safe.

### Supporting a person through the Hft complaints procedure

You should make sure that you support a person to make a complaint in the way which best suits them. You must think about a person's own form of communication at all times. Hft has a complaints form that combines symbols and an **Easy Read format**. This is called '**Making Things Better**'. Every person who has support from Hft and /or their representatives i.e. relatives advocate should have this form and the Complaints Procedure.

This form was developed by the Herts and Essex Voices to be Heard Group with feedback from other Hft Voices to be Heard Groups.

[Link to: Making Things Better Complaints Form](#)

If a person is unhappy

- Listen carefully to what the person is saying. If this is something that can be sorted out very quickly you should ask them if this will be ok. You should record this

If the person's rights have been threatened you should always support them to make a complaint

- Unless a complaint can be resolved straightaway you must support a person to make a formal complaint. You and/or others must support the person to

complete the 'Making Things Better' form. Others who might support the person to do this are e.g. another member of staff, relative, advocate, care manager or housing provider

- You should follow the timescales of the Complaints Procedure i.e. 5 working days to acknowledge, 28 days to respond
- The person you support or a person who represents them has the right to make a complaint to other agencies. They should know how to complain to the Care Quality Commission (CQC), their landlord, NHS or Local Authority.

You must record how you have supported someone to make a complaint.

### **Making a complaint on behalf of a person who cannot do this themselves**

Some people may not have capacity to understand making a complaint. You should record why and agree with your manager who makes this Complaint on their behalf. This may be a relative or friend or a Court appointed Deputy with relevant powers, an advocate or it may be you or another member of staff.

### **If the person wants to make a complaint about you or other staff or their support.**

- You must listen carefully and tell them that you will take their complaint seriously. If a person wants to complain about your support you **MUST** tell your line manager immediately
- It is important that you reassure the person that they will not be in trouble because they have done this.
- The person you are supporting should be encouraged to use the complaints procedure. If they decide not to you **MUST** raise the concern yourself directly with an appropriate manager as soon as possible
- Your manager will decide whether the complaint is investigated by another part of Hft or referred to an external agency e.g. Safeguarding Adults, or the funding Authority or the Police
- Your line manager must consider what changes need to be made as a result of a complaint and is responsible for recording this information on the Complaints and Compliments Log

**[Link to: Guide to using the Complaints and Compliments Log](#)**

### Complaints from other people

Anyone can make a complaint via the Hft website. You should know how to record a complaint.

The person making the complaint might be: a relative or a friend of a person Hft supports, Local Authority or health worker, a member of the public. You are expected to record any complaint even if it isn't directly relevant to your work. Your manager will put this onto the Complaints Log and redirect it if necessary. However, if the people you are supporting at the time need your attention you won't be able to do this. You should explain this situation and offer contact with the senior on-call.

Anyone making a complaint must feel safe (and not be **discriminated\*** against) if they make a complaint. They must feel listened to and know that someone will act in response to their complaint – that something will be done.

Relatives and friends may be reluctant to make a formal complaint. You should explain that recording their concern as a complaint is a way of showing that you will take their concern seriously.

If the person needs information about how to make a complaint in another language or format they can request this. Your manager will need to find a way of providing this. They may contact the Hft Family Carer Support Service who can advise about providing interpreting and translation services.

[Link to: Family Carer Support Service](#)

### Making a complaint about Hft to other agencies

A person you support or other people may want to complain directly to other agencies, the relevant funding authority, CQC, Police, Safeguarding Adults. You must support them to do this.

If **anyone** is not happy with the way Hft has dealt with their complaint they can go to the Local Government Ombudsman (LGO). The LGO will become involved only when all levels in Hft's Complaints Procedure have responded to the complaint and the person who made the complaint remains unsatisfied.

[Link to: Local Government Ombudsmen](#)

Hft will always co-operate with these organisations.

### When a person you support, their relative or friend wants to use surveillance to monitor their support

This will usually be because they have serious concerns about the quality or safety of the support Hft is providing. If someone tells you or you think they are considering doing this you **must discuss** this with your manager immediately. CQC have produced guidance on this. Your manager must make sure that this guidance is made available to the person you support, their relative or friend. They **MUST** involve their Regional Manager in reviewing options that have or may be offered to the person, their relative or friend.

**[Link to: Thinking about using a hidden camera or other equipment to monitor someone's care?](#)**

### Registered Cluster Managers and other Managers

You must make sure that the complaint or compliment is correctly recorded on the Complaints and Compliments log. You must also record the action taken in response to a complaint and whether the person who complained was satisfied with this.

The Log allows managers to view only the complaints and the compliments that are relevant to them. It provides pro-forma letters to acknowledge a complaint, giving the contact details of who is responsible for handling the complaint and the response to the complaint.

Wherever possible and appropriate contact throughout and the final response should be given informally to the person making the complaint before confirming it in writing. These contacts should be recorded on the Log.

A Registered Manager has responsibility for ensuring that complaints are properly responded to in their CQC regulated service. Managers of non-regulated services will also have this responsibility.

If CQC request information about complaints and the responses to these complaints the Registered Manager must provide this within 28 days.

### Monitoring Complaints

- Your line manager will monitor complaints. If the complaint needs to be referred to another agency e.g. Safeguarding they must do so.

- Complaints and their outcomes are monitored as part of Hft Compliance
- Hft Executive (on a regular basis) and Trustees (annually) will review complaints, the learning from these, and the complainants satisfaction with how these have been handled

### Duty of Candour

This will only be relevant to Complaints about a death or serious injury to someone you support. It is a legal requirement of all CQC regulated services. Your manager must follow the process described in the Operational Standard – Duty of Candour and decide whether a death or serious harm suffered by a person you support falls within this requirement.

[Link to: Duty of Candour Standard](#)

However, being open and transparent about what you have found through investigating any complaint is essential.