

 **Complaints Guidance**

**DISC, Spectrum Community Health, CGL**

**& Changing Lives**

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**Complaints & Feedback Procedure**

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**Complaints & Feedback Procedure**

1. **Introduction**

NYH aims to provide services that fully meet the needs of our service users and stakeholders. NYH values Complaints and other feedback as a vital tool for developing and improving our services. NYH receives a range of different feedback. We categorise this feedback as either a Complaint, Concern, Comment or Compliment.

This policy complies with guidance from the Care Quality Commission (CQC): <http://www.cqc.org.uk/content/regulation-16-receiving-and-acting-complaints#guidance> Local Government and Social Care Ombudsmen <http://www.lgo.org.uk/adult-social-care/> and Parliamentary and Health Ombudsmen <https://www.ombudsman.org.uk/>

* 1. **Promotion of the Complaints and Feedback Policy**
		1. NYH Complaints and Feedback Policy will be promoted to service users and other stakeholders, including within service user handbooks and our website. Information will be made available in accessible formats and other languages on request.
	2. **Equality and Diversity**
		1. NYH positively promotes Equality and Diversity, delivering our services in line with the Equality Act 2010. Should complaints or concerns be received that indicate potential discrimination in relation to an individuals protected characteristics, or other issue which suggests failure to meet the requirements of the Act, these will be handled formally in line with NYH Equality and Diversity policies and with due regard to the Equality Act 2010.
	3. **Safeguarding**
		1. NYH works to effectively safeguard both adults and children. Should a complaint or concern indicate potential failings in relation to NYH safeguarding responsibilities, including allegations of abuse, these concerns will be handled formally and in line with NYH safeguarding policies and procedures. NYH will involve relevant external bodies as appropriate, including the Local Authority Designated Officer (LADO), CQC and the Police.
	4. **Data Protection**
		1. NYH will handle complaints and other feedback in line with the Data Protection Act 1998, and Information Governance requirements including in relation to consent, confidentiality and the appropriate recording, management and sharing of information. NYH will notify the Information Commissioner’s Office (ICO) should a breach meeting the threshold for notification occur.
	5. **Duty of Candour**
		1. NYH 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 within NYH CQC registered delivery.

**Complaints & Feedback Procedure**

*Note: Please read this procedure in conjunction with* ***The HUB******Complaints, Concerns, Comments and Compliments Guidance*** *and* ***Attachments on the HUB User Guide*** or organisations reporting process.

1. **Definitions and Categorising Feedback**
	1. **Definitions**

A **Complaint** is an expression of dissatisfaction about the standard of service provided that requires a response.

A **Concern** is an expression of dissatisfaction that is not handled through the formal complaints procedure

A **Comment** is feedback which is neutral i.e. neither an expression of dissatisfaction or a positive statement.

A **Compliment** is positive feedback about the service provided

* 1. **Categorising Feedback**

**Appendix 1: Complaint, Concern, Comment or Compliment?** sets out a process for identifying the type of feedback received.

* 1. Complaints and Concerns help NYH to continually improve our service and put things right when they go wrong. There is a distinction between a Complaint or Concern, and a request for a particular service to be provided. The following are not considered to be a Complaint or Concern –
* An initial request for service, or change in service where this isn’t linked to the standard of service provided: for example a request for a female worker rather than a male worker
* Asking for explanation of a policy or decision: for example a service user requesting the reason why visits should be conducted by two members of staff
* An appeal against a decision where an appeal process is in place in relation to that decision
	1. Expressions of dissatisfaction by NYH staff should not be handled through NYH Complaints Policy and should instead be handling either formally or informally through the relevant organisation’s Grievance procedures.
1. **Concerns**
	1. Concerns are expressions of dissatisfaction not handled as a formal complaint, either because the feedback was raised as a concern rather than a complaint, or because feedback raised as a complaint was resolved informally (see Informal Complaints resolution, below). Feedback handled as a concern should meet the following criteria:
* Resolvable informally, either immediately or within 24 hours to the satisfaction of the person raising the issue
* Minimal impact on one or few individuals
* Person raising the issue not wishing to make a formal complaint
* Does not require formal investigation to establish facts
* An issue that doesn’t indicate a breach in any partnerships Code of Conduct, or definition of ‘serious complaint’
* Agreed to be a ‘concern’ by line manager
	1. **Responsibility**

Concerns can usually be handled by the person receiving the concern. Line management should be informed that a concern has been received, and the action to be taken / taken.

* 1. **Recording**

Concerns and the action taken in response should be recorded on the HUB under ‘Concerns, Comments and Compliments’ or organisations own reporting process.

* 1. **Review**

Concerns should be reviewed regularly by management to enable trends and learning to be identified.

1. **Complaints**
	1. A Complaint is an expression of dissatisfaction about the standard of service provided that requires a response.
	2. A simplified flowchart setting out an overview of the process for handling complaints and appeals comprises **Appendix 2: Complaints and Appeal Handling Process – Simplified**
	3. A more detailed flowchart comprises Appendix 3: Complaints and Appeal Handling Process
2. **Complaint Handling: Informal Resolution**
	1. Informal resolution can offer a fast and effective resolution to dissatisfaction. Complaints can be resolved informally where the following criteria are met:
* Resolvable either immediately or within 24 hours to the satisfaction of the person raising the issue
* Person raising the issue not wishing to make a formal complaint
* Minimal impact on one or few individuals
* Does not require formal investigation to establish facts
* An issue that doesn’t indicate a breach in any partners Code of Conduct, or meet the definition of ‘Serious Complaint’
* Agreed to be a ‘concern’ by line manager
	1. All employees are able to resolve low level complaints, or concerns -
1. Thank the person for bringing the matter to our attention, and ask what they would like to happen to resolve the concern
2. If it seems likely the issue can be handled informally as a concern, speak to line management and confirm this course of action
3. Attempt to resolve the issue immediately to the complainant’s satisfaction. Where this isn’t possible there and then, inform the complainant when action will be taken, or that the concern will be considered in ongoing review of the service, as appropriate.
4. Record as a Concern on the HUB or organisations reporting process.
	1. The process of appeal does not apply to complaints handled informally. Dissatisfaction with informal resolution should prompt consideration of handling the complaint formally.
5. **Complaint Handling: Formal Resolution**
	1. **Responsibility**

The Complaint Handler is responsible for the Investigation of the complaint, (this will be the organisation which the complaint relates too) communication with the Complainant, and taking action to resolve the issues identified (where applicable). The Complaint Handler should be a senior manager/practitioner with sufficient authority to put the issues identified right, should the complaint be upheld. The Complaint Handler cannot be a person the complaint relates to.

* 1. **Investigation**
		1. All complaints requiring a response should be investigated. The goal of investigation is to establish the facts and decide whether the service provided has fallen below the level that could be reasonably expected. The complaint handler should seek to establish:
* What happened
* What should have happened
* the cause of any identified failings
* What can be done to put right any failings
	+ 1. Investigation should proceed as follows –
1. **Speak with the complainant to establish the full details of the complaint and record this on the Complaint Record Form. This could be via phone or in person. (preferably in person, if the complainant agrees)**
	* Thank the complainant for bringing the issue to NYHs attention.
	* Ask the complainant to state in their own words their complaint. Where the complainant has made their complaint in writing each point within the complaint should be clarified, with more detail requested if necessary. Record key dates, times and events. Use open questions to gain as full a picture as possible of the events relating to the complaint.
	* Support the individual to pin-point the specifics of their complaint. This is important as complaints can sometimes contain a number of issues. Being specific about the key points of the complaint allows each aspect to be investigated, and a decision made as to whether the complaint is Upheld, Partially Upheld or Not Upheld.
	* Ask what resolution the complainant would like to see.
	* Read back a summary of the complaint to the complainant.
	* Explain you will keep them informed of the progress of your investigation.
2. **Speak to witnesses or others who could help establish the facts**
3. **Where the complaint relates to conduct of DISC or partner organisation staff, speak to the relevant staff member(s)**
4. **Review any other information, such as written information, records on management information systems, or CCTV footage.**
5. **Record the investigation on the HUB, uploading the Complaints Record Form to the record or organisations own reporting process**
	* 1. Where complaints relate to the conduct of a staff member, the staff member and their line manager should be promptly informed that a complaint has been received about them that will be investigated in line with the Complaints Policy. It may be appropriate to commence other policies and procedures, for example Disciplinary procedures.
		2. Investigation may reveal it is necessary to notify external bodies for example the Care Quality Commission, Commissioners or the Police and prompt action taken as appropriate.
		3. In the case of a complaint meeting the definition of a ‘Serious Complaint’ Senior Management should complete the investigation. No member of staff can investigate a complaint about themselves.
		4. The complainant’s needs around translation, interpretation or disability should be considered, and action taken to enable the complainant to effectively complain.
		5. During investigation consider consent, confidentiality, Data Protection and Information Governance. Remember that other parties will have varying knowledge of the circumstances surrounding the complaint and that there should be no inappropriate disclosure of such information to other parties.
6. **Serious Complaints**
	1. A Serious Complaint is a complaint where the consequences to service users, the public, staff, partner organisations are so significant, or the potential for learning is so great, that a heightened level of response is justified. The list below is not intended to be exhaustive, however a serious complaint is likely to involve a complaint in relation to:
* Serious misconduct of NYH or partner staff member or volunteer, including allegations of such. (for example allegation of abuse against a member of staff)
* Significant or sustained negative media attention
* Reputational damage to NYH or partner agency
* Substantial disruption to service delivery, or operation of NYH, or a partner organisation.
* Significant failing by NYH or partner organisation relation to safeguarding of adults or children (or where this is likely to be the case)
* A complaint relating to the serious injury or death of any person
* A breach of Information Governance requiring notification to the Information Commissioner
* A complaint involving an event requiring notification to the Charity Commission, or one which is Riddor Reportable.
	1. The Operations Director and other relevant senior partnership managers should be made aware as soon as possible of complaints that may meet the above definition. It will likely be necessary to inform service commissioners or other stakeholders (including for example the CQC) in the event of a serious complaint.
1. The HUB record should be updated to ‘Serious Complaint’ or organisations reporting process.
	1. The Complaint Handler may need to be a more senior person to reflect the serious nature of the complaint.
2. **Deciding the Outcome**
	1. Following investigation, a complaint may be found to be Upheld, Partially Upheld or not Upheld

A Complaint is **upheld** when it is concluded that the service provided which led to the complaint fell below the standard that could be reasonably expected, in relation to all points of the complaint.

A complaint is **Partially Upheld** when it is concluded that the service provided that led to the complaint fell below the standard that could reasonably be expected, in relation to some points of the complaint but not others.

A complaint is **Not Upheld** when it is concluded that the service provided did not fall below the standard that could reasonably be expected in relation to all points of the complaint.

1. **Communicating the Decision**
	1. The conclusion reached must be based on objective review of evidence. It is essential that all points raised by the complainant, agreed at the start of the investigation, are considered in the response.
	2. The outcome of the complaint should be communicated to the complainant at first verbally. This gives the complaint handler the opportunity to answer any questions the complainant may have or give clarity if needed. This should help reduce the likelihood of the complainant being dissatisfied with the outcome of the complaint. The decision/outcome should then be confirmed in writing to the complainant.
2. **Redress (Putting things right)**
	1. Redress can take a number of forms. NYH should always consider the complainant’s wishes and try to meet these where possible or, where this is not appropriate, providing a full explanation of the service provider’s position.
	2. There are limits to NYH ability to provide certain remedies, and complainant’s wishes may not always be reasonable. Any failings should be acknowledged and remedied quickly and fairly and in a way that best reflects the extent of the problems encountered by the complainant. Appropriate redress should include an apology, an explanation and correcting the error.
	3. Generally, where service failings have been identified which have disadvantaged the client, attempts should be made to put the complainant back in the position they were in before the error occurred.
	4. NYH management should look to improve procedures or systems or deliver further staff training to address service failures highlighted by the complaint where this is appropriate. The complainant should be told about action taken, but not details that affect individual staff members.
3. **Appeal**
	1. **Timescales**

The complainant can appeal the outcome of a complaint within 10 working days of receiving notification of the decision. The appeals process, and communication to the complainant should be completed within 10 working days.

* 1. **Responsibility**

An Appeal Handler should be appointed. The appeal handler should be a person more senior to the person who investigated the original complaint and should be senior enough to resolve the issues highlighted within the complaint and appeal. The Appeal Handler is responsible for investigating the appeal, communicating the outcome and putting in place actions to resolve the issues identified, where appropriate. This person should be from the organisation the complaint relates too.

* 1. **Grounds for Appeal**
		1. The original investigation should be thorough and objective. An appeal can’t be considered simply because the complainant disagrees with the outcome; the following grounds for appeal should be met:
* concern that the complaint has some weakness in the way the original investigation was completed (reasons for this should be stated in the appeal)
* New information relating to the original complaint that should be investigated
	+ 1. This appeal should be made in writing using the ‘Appeal Form’.
		2. Where grounds for appeal are not met, this should be communicated to the complainant.
		3. A decision about whether the complaint or aspects of it have now been upheld, and what action will be taken should be communicated in writing to the complainant.
1. **Comments**
	1. Comments are neutral feedback, i.e. neither positive or negative. This might be an observation or suggestion for improvement where the person making the comment isn’t dissatisfied with the current service. Comments can be useful for informing service change and improvement.
	2. **Responsibility**

Comments can be handled by the person receiving the comment.

* 1. **Recording**

Concerns and the action taken in response should be recorded on the HUB under ‘Concerns, Comments and Compliments’ or organisations own reporting process

* 1. **Review**

Comments should be reviewed regularly by management to enable trends and learning to be identified.

1. **Compliments**
	1. Compliments are positive feedback about the service received. Compliments are useful for identifying when things are working particularly well, often highlighting good practice. This can help inform service change and improvement and provide positive feedback to the individuals involved.
	2. **Responsibility**

Compliments can be handled by the person receiving the comment.

* 1. **Recording**

Compliments should be recorded on the HUB under ‘Concerns, Comments and Compliments’ or organisations
 own reporting process.

* 1. **Review**

Compliments should be reviewed regularly by management to enable trends and learning to be identified.

**Appendix 1: Complaint, Concern, Comment or Compliment?**

Feedback Received

Yes

No

**Complaint**

Record as a Complaint on the HUB in ‘Complaints’

**Distinguishing between a Complaint and a Concern**

Are all of the following the case?

* Resolvable either immediately, or within 24 hours to the satisfaction of the person raising the issue
* Minimal impact on one or few individuals
* Person raising the issue not wishing to make a formal complaint
* Does not require formal investigation to establish facts
* An issue that doesn’t indicate a breach in partners Code of Conduct, or definition of ‘serious complaint’
* Agreed as a ‘concern’ by line manager

**Neutral**

Record as a Comment on the HUB in ‘Concerns, comments and compliments’

**Positive**

Record as a Compliment on the HUB in ‘Concerns, comments and complements’

If the feedback shows Dissatisfaction …

If the feedback is Positive or neutral?

HUB = Own organisations reporting process

**Concern**

Record as a Concern on the HUB in ‘Concerns, comments and compliments’

**Appendix 2*:* Complaints and Appeal Handling Process – Simplified**

Complaint

Received

Resolved and recorded as a concern

Identify which partner relates too and pass over.
Resolvable informally?

Yes

No

Resolved as a complaint within 20 working days

Complaint within Appeal window.

Appeal received within 10 working days?

Yes

Appeal resolved

Complaint Closed

No

**Appendix 3*:* Complaints and Appeal Handling Process**



No – Complaint Closed

Appeal Received within 10 working days?

Investigation

Decision (Upheld, Partially Upheld, Not Upheld) and communication of outcome

**Complaints Guidance**

Appendix 4 Flow Chart



A complaint is received by NYH.

The person receiving the complaint should ensure it is passed to senior practitioner/area managers to ascertain if and how it should be logged on the **Hub** and co-ordinate.

If the complaint is regarding the Recovery & Mentoring service - Inform the lead worker for the locality.

Staff member to complete **CGL Complaints** report within 48 hours and send it to:

mailto:lucy.harrison@cgl.org.uk

Complaint outcome taken to NYH ICGB as part of governance structure. Learnings review and actions shared at hubs or organisations own reporting process, specific team meetings by cluster managers.

If the complaint is in regarding the treatment service – the area manager will investigate

Investigating manager to write to the complainant within 5 working days to acknowledge complaint and investigate.

R&M lead worker to write to the complainant within 3 working days to acknowledge complaint and investigate.

R&M lead worker to write to the complainant within 10 working days with outcome

Investigating manager to investigate the complaint and an outcome sent to the complainant within 20 working days

Should the complainant remain unsatisfied by the outcome of their complaint following appeal, a member of senior management team will write to the complainants within 5 working days to inform them that their complaint has been escalated to Stage 3. A NYH’s partnership board meeting will be convened within 20 working days. The board will write to the complainant with their final decision within 5 working days.

**Appendix 5**

***Receipt of complaint***

[INSERT your name]

[INSERT office address]

[INSERT Complainant’s name]

[INSERT Complainant’s address]

[INSERT Date]

Dear [INSERT name]

**Your complaint [INSERT Ref]**

Thank you for telling us about your complaint. I’m sorry to hear you are unhappy with the service you have received from us. Following our discussion, I understand your complaint is that [INSERT your understanding of the complaint, using a bulleted or numbered list if there is more than one point]. Please let me know if I have misunderstood your concerns.

I will investigate your complaint as a matter of urgency and will be in touch with a full response within 20 working days of the date of this letter.

Please do contact me again in the meantime if I can be of further assistance, my contact details are below.

Yours sincerely,

[INSERT Signature]

[INSERT Name]

[INSERT phone number]

Outcome of complaint

[INSERT your name]

[INSERT office address]

[INSERT Complainant’s name]

[INSERT Complainant’s address]

[INSERT Date]

Dear [INSERT Name],

**Re: Outcome of your complaint [INSERT ref]**

I have completed my investigation into your complaint. My findings are that -

[INSERT the points of the complaint, and for each point state whether the point is Upheld, Partially Upheld or Not Upheld and the reason why]

Therefore, I have

Upheld / Partially Upheld / Not Upheld your complaint. [Delete as applicable]

[INSERT apology for things that were upheld / partially upheld if appropriate]

We have taken the following action in response to your complaint [INSERT the things done to address the complaint

Thank you once again for bringing your complaint to our attention. I hope you are satisfied with this outcome. However, I’ve included a form to complete and return within 10 working days if you are dissatisfied with outcome, and feel you have grounds for appeal.

Yours sincerely,

[INSERT Signature]

[INSERT Name]

 [INSERT Phone number]

Receipt of Appeal

[INSERT your name]

[INSERT office address]

[INSERT Complainant’s name]

[INSERT Complainant’s address]

[INSERT Date]

Dear [Name]

**Re: Receipt of your Appeal [INSERT ref]**

I write to confirm receipt of your appeal on the grounds that -

[INSERT the complainant’s grounds for appeal]

I will look into your appeal as a matter of urgency and notify you of the outcome within 10 working days.

Yours Faithfully,

[INSERT Name]

[INSERT Signature]

Outcome of Appeal

*[INSERT your name]*

*[INSERT office address]*

*[INSERT Complainant’s address]*

*[INSERT Date]*

Dear *[INSERT Complainant title (Mr / Mrs / Miss etc) and Complainant Name] ,*

**Re: Outcome of your Appeal [INSERT ref]**

I write to notify you of the outcome of your appeal.

[INSERT the following, depending on the grounds for appeal]

I have reviewed the original investigation and found that the investigation met our expectations

I have reviewed the original investigation and found that the investigation should have considered [INSERT]. I have now considered this information, and following this have decided

Therefore your complaint is upheld on appeal / partially upheld on appeal / not upheld

I have considered the additional information you provided. Given this new information I have decided to uphold your complaint on appeal / partially uphold you complaint on appeal [INSERT why]

I have considered the additional information you provided. Despite this new information I have decided to uphold your complaint on appeal / partially uphold you complaint on appeal [INSERT why ]

*[INSERT apology if appropriate]*

We will take the following action following this appeal

*[INSERT action to be taken if appropriate]*

*[If not upheld provide information for complainant to raise concerns externally]*

Yours Faithfully,

[*INSERT Name]*

*[INSERT Signature]*

Complaint Form & Appeal Form

