

# Complaints SOUTH TYNESIDE



**COMPLAINTS PROCEDURE (STANDARD 26)**

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**COMPLAINTS PROCEDURE (STANDARD 26)**

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Signed: Mr Paul Sanders - DIRECTOR

Date: 21<sup>st</sup> January 2014

Policy review date: 21<sup>st</sup> January 2015

## COMPLAINTS PROCEDURE (STANDARD 26)

### POLICY STATEMENT

Kelly Park Caring Agency Limited believes that if a Service User wishes to make a complaint or register a concern they should find it easy to do so. It is our company's policy to welcome complaints and look upon them as an opportunity to learn, adapt, improve and provide better services. This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by Service Users and their relatives, carers and advocates are taken seriously.

The policy is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. It is not part of the company's disciplinary policy.

Kelly Park Caring Agency Limited believes that failure to listen to or acknowledge complaints will lead to an aggravation of problems, Service User dissatisfaction and possible litigation. Kelly Park Caring Agency Limited supports the concept that most complaints, if dealt with early, openly and honestly, can be sorted at a local level between just the complainant and the company. If this fails due to either the company or the complainant being dissatisfied with the result the complaint will be referred to the Commission for Social Care Inspection and legal advice will be taken as per necessary.

The company adheres fully to *Standard 26 – Complaints and Compliments of the National Minimum Standards for Domiciliary Care Agencies*.

### AIM

The aim of Kelly Park Caring Agency Limited is to ensure that its complaints procedure is properly and effectively implemented and that Service Users feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

### GOALS

The goals of Kelly Park Caring Agency Limited are to ensure that:

- Service Users, carers, users and their representatives are aware of how to complain and that the company provides easy to use opportunities for them to register their complaints.
- A named person will be responsible for the administration of the procedure.
- Every written complaint is acknowledged within seven working days.
- All complaints are investigated within 28 days of being made.
- All complaints are responded to in writing by the company within 28 days of being made.
- Complaints are dealt with promptly, fairly and sensitively with due regard to the upset and worry that they can cause to both staff and Service Users.

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### WHO TO CONTACT IN THE EVENT OF A COMPLAINT

The named complaints manager with responsibility for following through complaints for the company is:

Mrs Margaret Jopling  
Kelly Park Caring Agency Limited  
Head Office  
Suite 32-33 Derwentside Business Centre  
Consett Business Park  
Consett  
Durham  
DH8 6BN

Tel: 01207 580091  
Fax: 01207 580092  
E-Mail: [margaret.jopling@kellypark.co.uk](mailto:margaret.jopling@kellypark.co.uk)

Kelly Park Caring Agency Limited believes that, wherever possible, complaints are best dealt with on a local level between the complainant and Kelly Park Caring Agency Limited. If either of the parties is not satisfied by a local process or outcome the case should be referred to the Care Quality Commission and Local Authority.

The Care Quality Commission contact details are:

Citygate  
Gallowgate  
Newcastle Upon Tyne  
NE1 4PA

Tel: 03000 616161  
Fax: 03000 616171

Customer Services Manager  
Children, Adults & Families  
FREEPOST NEA 11749  
Kelly House  
Campbell Park Road  
Hebburn  
Tyne & Wear  
NE31 2SW

Tel: 0191 424 4679  
Fax: 0191 424 4616  
Email: [complaints@southtyneside.gov.uk](mailto:complaints@southtyneside.gov.uk)

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If we are unable or cannot resolve your complaint satisfactorily any unresolved concerns can be referred to the Local Government Ombudsman:-

Local Government Ombudsman  
Po Box 4771  
Coventry  
CV4 0EH

Tel: 0845 602 1983  
Fax: 0247 682 0001  
Email: [advice@lgo.org.uk](mailto:advice@lgo.org.uk)

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### COMPLAINTS PROCEDURE

#### ORAL COMPLAINTS

- All oral complaints, no matter how seemingly unimportant, should be taken seriously.
- Front line care staff who receive an oral complaint should seek to solve the problem immediately.
- If staff cannot solve the problem immediately they should offer to get the Registered Manager to deal with the problem.
- All contact with the complainant should be polite, courteous and sympathetic. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
- At all times staff should remain calm and respectful.
- Staff should not accept blame, make excuses or blame other staff.
- If the complaint is being made on behalf of the Service User by an advocate it must first be verified that the person has permission to speak for the Service User, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the Service User when they may not. If in doubt it should be assumed that the Service User's explicit permission is needed prior to discussing the complaint with the advocate.
- After talking the problem through, the Registered Manager or the member of staff dealing with the complaint should suggest a course of action to resolve the complaint. If this course of action is acceptable then the member of staff should clarify the agreement with the complainant and agree a way in which the results of the complaint will be communicated to the complainant (i.e. through another meeting or by letter).
- If the suggested plan of action is not acceptable to the complainant then the member of staff or Registered Manager should ask the complainant to put their complaint in writing to the company and give them a copy of the company's complaints procedure.
- In both cases details of the complaints should be recorded in the Complaints Book, the Service User's file and in the home records.

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### SERIOUS OR WRITTEN COMPLAINTS

#### PRELIMINARY STEPS

- When a complaint is referred on to the Registered Manager or is received in writing it should be passed on to the named complaints manager who should record it in the Complaint Book and send an acknowledgment letter within two working days; the complaints manager will be the named person who deals with the complaint through the process
- If necessary further details are obtained from the complainant; if the complaint is not made by the Service User but on the service user's behalf, then consent of the Service User, preferably in writing, must be obtained from the complainant
- A leaflet detailing the company's procedure should be forwarded to the complainant
- If the complaint raises potentially serious matters, advice should be sought from a legal advisor to the company, if legal action is taken at this stage any investigation by the company under the complaints procedure should cease immediately
- If the complainant is not prepared to have the investigation conducted by the company they should be advised to contact the Care Quality Commission and be given the relevant contact details.

#### INVESTIGATION OF THE COMPLAINT BY THE ORGANISATION

- Immediately on receipt of the complaint the company should launch an investigation and within 28 days the organisation should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned
- If the issues are too complex to complete the investigation within 28 days, the complainant should be informed of any delays.

#### MEETING

- If a meeting is arranged the complainant should be advised that they may if they wish bring a friend or relative or a representative such as an advocate
- At the meeting a detailed explanation of the results of the investigation should be given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability)
- Such a meeting gives the organisation the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.



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### FOLLOW-UP ACTION

- After the meeting, or if the complainant does not want a meeting, a written account of the investigation should be sent to the complainant, this should include details of how to approach the Care Quality Commission if the complainant is not satisfied with the outcome
- The outcomes of the investigation and the meeting should be recorded in the Complaint Book and any shortcomings in company procedures should be identified and acted upon
- The company should discuss complaints and their outcome at a formal business meeting and the company complaints procedure should be audited by the Registered Manager every six months.

### TRAINING

Mrs Margaret Jopling is responsible for organising and co-ordinating training.

All Kelly Park Caring Agency Limited staff should be trained in dealing with and responding to complaints. Complaints policy training included in the induction training for all new staff is and in house training sessions on handling complaints are conducted at least annually and all relevant staff should attend.