



Complaints and Compliments Policy and Procedure

To meet the legal requirements of the regulated activities that BIBA CARE LTD is registered to provide:

- Compensations Act 2006
- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- Human Rights Act 1998
- The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009
- Mental Capacity Act 2005
- Mental Capacity Act Code of Practice
- Data Protection Act 2018

Scope

The following roles may be affected by this policy:

- All staff

The following Service Users may be affected by this policy:

Service User

The following stakeholders may be affected by this policy:

- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

Objectives

To improve the quality of the Service User's experience.

To ensure that all complaints and suggestions are promptly addressed, resolved, and shared within the agreed timescales to ensure that lessons are learned and that the learning improves service quality and delivery.

Policy

Complaints

BIBA CARE LTD understands complaints to be an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by any Service Users, their family or advocate acting on their behalf, with their consent or in their best interests

BIBA CARE LTD takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again. This policy sets out the framework for how BIBA CARE LTD will achieve this. The detail of how BIBA CARE LTD this will do will be found in the associated procedures

BIBA CARE LTD will comply with legislation, national guidelines, regulations, and best practices when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions

Complaints or concerns by staff will be addressed via the grievance process if the complaint or concerns relates to them individually or the Whistleblowing procedure where a protected disclosure is made

BIBA CARE LTD understands our statutory obligations in respect of the Duty of Candour and will ensure we follow the agreed policy and procedure

BIBA CARE LTD will ensure that the complaints and compliments process at

BIBA CARE LTD is fair and transparent and does not discriminate directly or indirectly because of the following:

- Age
- Being or becoming a transsexual/transgender person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief, or lack of religion/belief
- Sex
- Sexual orientation

The complainant will feel free to complain without fear of reprisals and will be treated with courtesy, respect, and compassion. BIBA CARE LTD will ensure that the process of how to make a complaint and the feedback is provided in a way that meets the Accessible Information Standards and is in a format that the Service User can understand.

Seeking Views and Engaging with Service Users

BIBA CARE LTD will seek out opportunities to obtain feedback from Service Users and stakeholders. BIBA CARE LTD will act with sensitivity, integrity, and professionalism by treating individuals who do complain or raise a suggestion with compassion, courtesy, and respect. The service will protect the Service User's right to confidentiality. BIBA CARE LTD will ensure that alternative methods of communication are available so that the complaints

and suggestions procedures are accessible for Service Users who experience difficulties with communication or whose first language is not English.

Staff will undertake training on how to manage complaints in line with their role and responsibilities.

BIBA CARE LTD understands that it can be difficult to separate a complaint from a concern, therefore, BIBA CARE LTD will follow this policy when any dissatisfaction arises with the service.

A full record will be held of all complaints received regardless of the level of seriousness and means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to allow resolution. A record of the complaint will also be held in the Service User's Care file and reported in line with contractual or regulatory requirements.

Safeguarding Concerns

Where a complaint or concern is raised that relates to a Service User being harmed or likely to be harmed, BIBA CARE LTD will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Reading Borough Council

Safeguarding Adults team and escalating concerns in line with Reading Borough Council procedure. BIBA CARE LTD will also notify CQC in line with our statutory duty.

Roles and Responsibilities

All Staff

It is acknowledged that all staff working within BIBA CARE LTD may be presented with an individual wishing to raise a concern or complaint at any time, therefore staff need to be able to manage this in a sensitive, structured, and timely manner. In order to do this staff will:

- Be trained on induction and as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure.
- Have access to the complaints procedure.
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality Care.

Appreciate that any feedback from Service Users or their representatives that is of concern needs immediate resolution, where possible, to their satisfaction. Care Plans will be updated to reflect the planned changes to Care and the Registered Manager informed of the feedback. Failing to do this may result in a complaint

Be clearly advised that on presentation of a complaint, swift escalation to management is necessary and purposefully withholding or concealing of concerns expressed by Service Users or their representatives may lead to disciplinary action

BIBA CARE LTD Management Team

The management team at BIBA CARE LTD is responsible for ensuring compliance with this policy, regulations, improvement planning and having arrangements in place to provide relevant reports and information regarding complaints

Bernadette Timuri is the main point of contact for the receipt, investigation, and management of complaints within BIBA CARE LTD. However, this may be delegated to a senior member of staff within BIBA CARE LTD who holds the experience, knowledge, and competence to investigate and manage complaints

BIBA CARE LTD will ensure the procedure for raising a complaint is accessible and displayed prominently in BIBA CARE LTD on the website of BIBA CARE LTD and within the Service User information and guides. Alternative languages and formats will be available on request

Compliments and Suggestions

BIBA CARE LTD welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of our service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Service Users to care service development and improvement. We will share feedback with our staff.

One Complaint, One Response

BIBA CARE LTD will follow the Local Government and Social Care Ombudsman best practice and where Service Users are receiving services for more than one organisation, we will ensure they can make a complaint to anyone and be provided with a single response following a joint investigation.

5.Procedure

Raising Complaints

A complaint can be received by BIBA CARE LTD either verbally or in writing and can be made by:

Service Users

Someone acting on behalf of a Service User and with their written consent, e.g. an advocate, relative, Member of Parliament

Someone acting on behalf of a Service User who is unable to represent his or her own interests, provided this does not conflict with the Service User's right to confidentiality or a previously expressed wish of the Service User

BIBA CARE LTD will ensure that Service Users are given information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

Time Limits for Submitting a Complaint

Complaints should be submitted within 12 months of the incident or concern arising. The time limit, however, can and should be waived, if:

It is still practical and possible to investigate the complaint (the records still exist, and the individuals concerned are still available to be questioned, etc.) and

The complainant can demonstrate reasonable cause for delay in making the complaint It is at the discretion of the manager of the service if the time limit can be set aside.

Complaints Procedure:

Step 1

When a complaint is raised to staff, staff will make an effort to resolve it immediately to the satisfaction of the complainant.

Step 2

Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in the procedure steps.

Step 3

Staff will report the complaint to the most senior member of staff on duty and the complaint will be logged.

Step 4

Formal acknowledgement of all complaints received (whether verbal or written) will be sent within 3 working days to the complainant. This could be via letter or email. BIBA CARE LTD will have a local system in place to manage out-of-hours and weekend complaints received.

The acknowledgement will include:

- An invitation to meet and discuss the complaint
- Who will be investigating the complaint?
- How the investigation will be handled - the response should state what the investigation will be focussed on
- A time limit for the investigation to be concluded. This should be 28 days; however, some cases may take longer, and the complainant will be made aware of this
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation

Step 5

Following a full investigation, a response letter will be sent, and this will include the following:

- A summary of the issue from the complainant's point of view
- Details of the evidence and sources consulted in order to investigate the issue fully and fairly
- A presentation of the findings for each issue clearly and concisely described
- A conclusion, stating clearly whether the issue is "upheld," "partially upheld" or "not upheld"; unless it is ineligible, in which case the reason for this will be given, e.g. out of time or out of jurisdiction
- An explanation of the outcome and whether any remedial action or learning points arise from the investigation of that issue
- An apology where the issue is upheld, and shortcomings or failings have been found
- The complainant's rights if not satisfied with the outcome to refer to The Local Government and Social Care Ombudsman
- A signature from the responsible individual or sent by email in their name

Step 6

The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, BIBA CARE LTD will care the complainant to access further care (refer to section 5.6)

The Complaints Log

A record will be held of all complaints raised and contain the following information:

- Each complaint received
- Subject matter and outcome
- Details of any reason for delay where investigations took longer than the agreed response period
- The date the report of outcome was sent to the complainant
- Where complaints relate to a Service User, a copy of the complaint will be held in their Care records so that the Service User can reflect on the recommendations.
- Where complaints are raised by telephone, the log will include the date and time of the call and this will be followed up with written confirmation of the areas discussed.
- Where a complaint indicates the potential abuse of Service Users, safeguarding policies will be followed as per local authority expectation and necessary notifications made to the regulatory body. Where care is commissioned by Reading Borough Council their reporting procedure for notifying them of complaints will be followed. Where complaints are to be shared as part of learning, the complaint will be anonymised so there is no identifiable Service User information.

Investigations

All investigations will be managed by using the following approach:

- Investigating the fact
- Assessing evidence
- Review of records and Interviewing those involved
- Where necessary, advice and care will be sourced via senior managers within the organisation. The complaint must be investigated by a member of staff with the knowledge, experience, and seniority to undertake the investigation robustly.
- Confidentiality of information will be considered at all times and staff will adhere to the confidentiality policies and relevant codes of practice.
- If an investigation of a complaint results in disciplinary action of staff within BIBA CARE LTD, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to disciplinary process, but the details of the outcome or ongoing investigation will remain confidential.

Unresolved Complaints

There are many bodies that can care or will need to be informed of unresolved complaints:

Care Quality Commission Individuals can escalate their complaint to the Care Quality Commission via:

Website www.cqc.org.uk

Email enquiries@cqc.org.uk

Address: Care Quality Commission, National Correspondence, Citygate, Gallowgate, Newcastle upon Tyne NE1 4PA,

Tel: 03000 616161, Fax: 03000 616171

The Local Government and Social Care Ombudsman (for those Service Users that are funded by local authority-funded social services Care or self-funded).

Individuals have the right to raise their complaint to the Local Government and Social Care Ombudsman. This is a free service and individuals can contact their Local Government and Social Care Ombudsman via:

The Local Government and Social Care

Telephone: 0300 061 0614

Email: enquiries@ombudsman.org.uk

Website: <https://www.lgo.org.uk/>

Complaint form: <https://www.lgo.org.uk/complaint-form>

Individuals must be advised that the Local Government and Social Care Ombudsman will not investigate the complaint until the provider has had the opportunity to respond and resolve the matter in the first instance.

Parliamentary and Health Service Ombudsman (For Service User that are NHS funded)

Individuals have the right to raise a concern about a service that is NHS funded. This is a free service and individuals can contact via:

Telephone 0345 0154033

Email phso.enquiries@ombudsman.org.uk

Website www.ombudsman.org.uk

Address Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP.

Bernadette Timuri can also signpost individuals to Healthwatch and the local independent complaints advocacy services (ICAS).

Clinical Commissioning Groups

Individuals can make a complaint about a health service they are receiving or have received and can discuss this with the commissioner of the service.

Local Authority Complaints Teams

Individuals have the right to raise concerns and complaints about adult social Care regardless of whether or not they pay for their own Care or if the Council funds it. Individuals can make a complaint about organisations who provide services on the Council's behalf. The contact details for the Local Authority Complaints Team are:

Address: Reading Borough Council - Customer Care and Complaints Officer,

Civic Offices

Bridge St, Reading RG1 2LU

Telephone: 0118 937 3787

Website: <https://www.reading.gov.uk>

Professional Bodies

If a complaint involves the serious misconduct of a health Care professional, their relevant professional body can be informed, and this is determined on an individual case basis in discussion with the Registered Manager.

For any external bodies managing complaints BIBA CARE LTD will work with the external body providing information as requested within any agreed timescales expected.

Compliments

Receiving compliments is an opportunity to celebrate and recognise success. BIBA CARE LTD will ensure that:

- All compliments are shared with staff and displayed in a public area to highlight good practice
- Compliments are anonymised or permission sought before displaying
- Numbers of compliments received are logged as part of a quality assurance programme
- Verbal positive feedback from Service Users and relatives is also deemed as compliments and will be recorded and shared with colleagues
- Compliments form a core agenda item at staff, Service User, and relative meetings

Suggestions

Suggestions can be made verbally or in writing and generally are in response to seeking a means of changing practice for the better.

Suggestions are not complaints, but in some circumstances, if they are not considered or actioned they could lead to a complaint

When suggestions are raised in meeting or as part of a conversation, these will be documented and then outcomes of such suggestion recorded to show consideration

Staff will be encouraged to share their suggestions or suggestions received by relatives and Service Users to the Registered Manager

Bernadette Timuri at BIBA CARE LTD will consider implementing a suggestions system to encourage comments from Service Users, staff, and visitors

Audit and Evaluation

BIBA CARE LTD will monitor, review, and analyse all information received about the service as a means of continuously reviewing performance, quality, and safety.

BIBA CARE LTD will also:

- Share themes and trends with Carers working for BIBA CARE LTD

- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

Anonymous Complaints

Anonymous complaints will be investigated in the same way as named complaints. They will be logged and any corrective action necessary will be taken and also logged.

One Complaint, One Response

Where more than one organisation is involved in the Service User's Care they, or their representative, will be able to complain to any of them and BIBA CARE LTD will contact the other organisations, carry out a joint investigation and provide a single joint response. Service Users must not have to contact each organisation separately.

If someone complains and BIBA CARE LTD is not responsible for the Care or service complained about, rather than turning them away, BIBA CARE LTD will share the concerns with the correct organisation(s). You will need the individual's permission to do this. If the person prefers that their complaint is not shared with another organisation (or organisations), BIBA CARE LTD will signpost them to the right organisation instead and provide the person with their contact details.

BIBA CARE LTD will follow LGO guidance for managing this. All efforts will be made by Bernadette Timuri to resolve all complaints within BIBA CARE LTD.