

Bolton Cares Complaints Policy

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Author (name):	John Livesey
Author (designation):	Chief Executive Officer
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Introduction

1. This policy sets out the Bolton Cares' approach when responding to complaints about its services.
2. When someone makes a complaint it is because they have received a service which, to them, has been unsatisfactory.
3. When a mistake has happened, it is important to acknowledge it, put things right quickly and learn from the experience.
4. Bolton Cares is a learning organisation. We value feedback from the people who use our services as it helps us to continually improve the quality what we do.

Aims

5. The aims of this policy are to:
 - ensure Bolton Cares complaints are handled in the correct way;
 - ensure the company learns lessons from the experiences of the people who use our services and improves the quality of services as a result;
 - help create a culture that encourages people to share their experiences so that we can improve our services.

Related Documents

6. Statutory Instrument 2009 No 309 – The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
7. Data Protection Act (2018).
8. Bolton Cares Policies:
 - Duty of Candour.
 - Safeguarding.
 - Whistleblowing.
 - Employee Discipline and Dismissal.
 - Employee Grievance.

Principles

9. This policy will ensure that:
 - Complaints are dealt with efficiently;
 - Complaints are properly investigated;
 - Complainants are treated with respect and courtesy;
 - Complainants receive, so far as is reasonably practical:
 - i. Assistance to enable them to understand the procedure in relation to complaints; or
 - ii. Advice on where they may obtain such assistance;
 - Complainants receive a timely and appropriate response;
 - Complainants are informed about the outcome of any investigation into their complaint; and
 - Action is taken if necessary in the light of the outcome of the complaint.

Responsibilities

10. The **Chief Executive of Bolton Cares** is responsible for ensuring compliance with this policy and that action is taken if necessary in the light of the outcome of a complaint.
11. **Managers** will know how to deal with complaints 'informally'. They will know how to manage complaints under this policy and will understand how to make changes in their services because of learning from complaints.
12. **Employees** will know that Bolton Cares has a complaints policy and how it can be accessed. They will understand what to do if a complaint is made to them and how they can use complaints to help improve the service.

Making it Easy to Give Feedback

13. We will make it easy for people to provide feedback including making a complaint. Specifically, we will:
 - Ensure that people new to our services are provided with information about how they can give feedback, including how to make a complaint.
 - Ensure that people feel confident to make a complaint to the employees who work most closely with them or to the manager of the service they receive.
 - Ensure that a complaints poster is clearly visible in all locations where we deliver services.
 - Ensure that feedback forms are readily available in all locations where we deliver services.
 - Ensure that people can give feedback or make complaints through the Bolton Cares website.
 - Provide a telephone number and email address that can be used to give feedback or make a complaint.
 - Provide guidance to complainants on how to make a complaint to Bolton Cares. This will be available in appropriate languages and formats to meet the needs of the people using the service.
 - Publish our complaints policy on our website.

Accessibility

14. The company will, as far as reasonably practical, provide support to help people make a complaint. This may be through advocates, interpreter services and any other support identified or requested.

Who Can Make a Complaint?

15. A complaint can be made by:
 - Any person who is receiving or has received a service from Bolton Cares.
 - Any person who is affected or who is likely to be affected by the action, omission or decision of Bolton Cares.
16. A complaint may also be made by a representative of a person who:
 - Has died.
 - Is unable to make the complaint themselves because of physical incapacity.
 - Lacks capacity within the meaning of the Mental Capacity Act 2005.
 - Has requested the representative to act on their behalf.
 - Has legal power to act on a person's behalf.

Representatives Must Have Consent to Act

17. Where a service user can give consent for a representative to act on their behalf, they must do so.
18. Bolton Cares cannot discuss the details of any complaint with a representative where such consent has not been given. To do so would be a breach of the Data Protection Act (2018).

Representatives Must Act in the Best Interests of the Service User

19. Where a complaint is made by a representative, they must act in the best interests of the person they are representing.
20. If we do not believe that the representative is acting in the best interests of the service user we will not consider the complaint further.

Collective Complaints

21. Where a group of people or their representative's wishes to make a complaint and the issues being raised are substantially the same or linked, they make the complaint together as a group. Such a group complaint will be treated as one complaint.

Anonymous Complaints

22. Whilst Bolton cares is happy to receive anonymous feedback, we will not consider anonymous complaints under this policy.

Confidentiality and Consent

23. All information received by Bolton Cares in relation to a complaint will be treated in the strictest confidence. The information will not be shared with any third party without the consent of the service user.
24. Bolton Cares will share information with the appropriate authorities if becomes aware of a safeguarding concern.

Time Limit for Making a Complaint

25. For a complaint to be accepted under this policy, the complaint must be made no later than:
- Twelve months after the incident which is the subject of the complaint occurred; or
 - Twelve months after the complainant realised they had reason to complain.
26. If a complaint is made outside of these time limits, the company may decide to accept the complaint if the complainant had good reasons for not complaining at the time, and it is still possible to investigate effectively and fairly.

Complaints Not Dealt With Under This Policy

27. We will not deal with the following types of complaint under this policy:
- Complaints submitted outside the time limit.
 - Where the same complaint has already been considered by Bolton Cares.
 - Where the complaint has been considered by the Local Government Ombudsman.
 - The complaint is frivolous.
 - The complaint is vexatious.
 - Complaints about a Freedom of Information Request.
 - Where it is apparent that the matter should be dealt with under another Bolton Cares policy, e.g. Safeguarding Policy, Whistleblowing Policy, Employee Discipline and Dismissal Policy, Employee Grievance Policy.
 - Where it is apparent that the complaint relates wholly to another body and not Bolton Cares.
28. The Company has discretion in deciding whether to consider complaints where to do so would prejudice any of the following concurrent investigations:
- Court proceedings.
 - Tribunals.
 - Disciplinary proceedings.
 - Safeguarding investigations.
 - Criminal proceedings.
29. In such circumstances the matter may be dealt with entirely through one of the processes listed above or the investigation of the complaint may be delayed until the other process is complete.

Safeguarding

30. Whilst in the application of this policy it is identified that a complaint, or element of a complaint, has safeguarding concerns then our safeguarding duties apply. Please refer to the Company's Safeguarding Policy and Procedures.
31. Where safeguarding concerns are evident, the complaint should be discussed with the appropriate Operations Manager. Safeguarding investigations will take precedence to the complaints investigation.
32. Where a complaint includes safeguarding elements and non-safeguarding elements, the non-safeguarding elements may be investigated under this policy once the safeguarding investigation is concluded.

33. A letter confirming the course of action being taken must be sent to the complainant informing them of this.

Resolving Complaints Informally

34. Where possible, complaints should be resolved quickly and informally.
35. Informal resolution is often what the complainant wants and is a far more effective and efficient use of resources.
36. A complaint can only be resolved informally where:
 - The complaint has been made orally.
 - The matter can be resolved to the complainant's satisfaction no later than the end of the next working day.
37. Service managers should keep a brief record of complaints that are received and resolved informally. The log can be used for learning and improvement purposes and can be used as evidence to provide to the Regulator and commissioners.

Receiving Formal Complaints

38. Where informal resolution is not possible, the complaint should be dealt with formally.
39. Formal complaints can be made orally or in writing.
40. Where a complaint is made orally, the person receiving the complaint must record the complaint in writing. This written record must detail the complaint and must also capture the complainant's desired outcome from the complaint. A copy of this written record will be provided to the complainant.
41. Written complaints may be received by letter, feedback form or email.

Complaint Handlers

42. Formal complaints will be allocated to a '**Complaint Handler**' immediately following receipt of the complaint.
43. The Complaint Handler will be a Bolton Cares Operations Manager. This will usually be the Operations Manager responsible for the service to which the complaint relates. However, if the complaint is about the Operations Manager or if there is any other reason that they cannot investigate the complaint, then it will be allocated to an Operations Manager from another service area.
44. Bolton Cares will take account of the seriousness of the complaint when allocating a complaint handler, with more serious matters being dealt with by more senior managers.
45. The Complaints Handler will be responsible for investigating the complaint and for ensuring that it is managed in line with the requirements of this policy.
46. The complaint handler will acknowledge the complaint within 3 working days of it being received by Bolton Cares. The acknowledgment can be made orally or in writing. At the same time the complaint handler will inform the complainant that they are complaint handler for the complaint.

Initial Meeting

47. At the time of acknowledging the complaint the complaint handler must offer to meet the complainant to discuss their complaint.
48. The meeting should cover:
 - The way the complaint will be handled;
 - The period within which the complaint will be investigated; and
 - When a response will be provided to the complainant.
49. If the complainant does not accept the offer to meet, the complaint handler must write to them stating when a response will be provided to the complaint.

Investigating Complaints

50. The Complaint Handler will investigate the complaint in a manner appropriate to resolve it quickly and efficiently.
51. The Complaint Handler will keep the complainant informed as to the progress of their complaint, as far as reasonably practical.

Duty to Cooperate

52. Sometimes, a complaint made to Bolton Cares may contain material which, if it had been sent to another organisation would have been dealt with under that organisation's complaints procedure.
53. Where the complaint relates partly to Bolton Cares and partly to another organisation, Bolton Cares will cooperate with that other organisation for the purpose of:
 - Coordinating the handling of the complaint.
 - Communicating with the complainant.
 - Sharing information to enable the complaint to be properly investigated.
 - Providing a coordinated response to the complainant.
54. In such circumstances one organisation will take the lead in investigating the complaint.

Timescales for Responding to Complaints

55. Bolton Cares will seek to provide a written response to complaints within 20 working days. Working days exclude weekends and bank holidays.
56. Where a complaint is complex or involves a number of different parties, it may not be possible to meet standard timescales. In these circumstances the Complaint Handler will agree a timescale with the complainant.

Our Response

57. As soon as reasonably practical after the completion of the investigation, Bolton Cares will send a written response to the complainant, signed by the Chief Executive of Bolton Cares.
58. This letter will include:
- An explanation of how the complaint has been considered.
 - A clear statement of whether the complaint is:
 - i. Upheld.
 - ii. Partially upheld.
 - iii. Not upheld.
 - An explanation of why the above conclusion was reached.
 - An explanation of any action that Bolton Cares has taken or is proposing to take as a result of the complaint.
 - An apology where our service has been unsatisfactory.
 - Details of the complainant's right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO), along with contact details for the LGSCO.

Still Not Satisfied?

59. If a complainant remains dissatisfied with the outcome of a complaint investigated by Bolton Cares, they have the right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO).
60. Bolton Cares will make available to complainants their rights to take their complaint to the LGSCO should they remain dissatisfied.

Recording and Reporting of complaints

61. The company will maintain a record of all complaints, outcomes and actions taken in response to complaints. Where no action is taken, the reasons for this will be recorded.
62. Performance information relating to complaints will be regularly reported to the Board of Directors. This will include an annual report that will:
- Specify the number of complaints received.
 - Specify the number of complaints that were:
 - i. Upheld.
 - ii. Partially upheld.
 - iii. Not upheld.
 - Summarise the subject matter of the complaints received.
 - Any matters of general importance arising from the complaints received.
63. The learning and improvement actions taken as a result of complaints.
64. The Company will inform its commissioners of complaints received and investigated under this policy.

Learning Lessons and Service Improvement

65. By listening to people about their experiences of services, the company can resolve issues faster, learn new ways to improve and prevent the same problems from happening in the future. In short, by dealing with complaints more effectively and learning from them, services can get better, which will improve things for the people who use them as well as for the staff working in them.
66. It is everyone's responsibility working in Bolton Cares to learn from service user's experiences and share the learning with colleagues and partners so that service quality can improve.

Disciplinary Proceedings

67. In some cases it may be necessary for disciplinary action to be taken against a member of staff. However, this will be a decision for managers and will be a separate and confidential process. The Complaints Procedure is only concerned with resolving complaints and not with investigating disciplinary matters. The purpose of the Complaints Procedure is not to apportion blame amongst staff, but to investigate complaints with the aim of satisfying complainants whilst being fair to staff.
68. Bolton Cares will not inform the complainant of the actual result of any disciplinary action, only that it has been concluded and that the incident has been managed in accordance with the appropriate Human Resource (HR) policies.

Duty of Candour

69. Whilst in the application of this policy it is identified that harm has or could have occurred to a service user then our duty of candour applies. Please refer to the Company's Duty of Candour policy.

Unreasonably Persistent Complainants

70. The company acknowledges that every service user has a right to complain.
71. However, the company will not accept complaints that it believes are from complainants who are unreasonably persistent.
72. Features of an 'unreasonably persistent complainant' may include:
 - A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes.
 - A person who seeks an unrealistic outcome; or
 - A person with a history of making other unreasonably persistent complaints;
 - The complainant persistently approaching the company through different routes about the same issue in the hope of getting different responses.

Frivolous Complaints

73. Bolton Cares will not accept complaints that it believes are frivolous. A frivolous complaint is a complaint that has no serious purpose or value. It may have little merit and be trivial. Investigating it would be out of proportion to the seriousness of the issue being complained about and would be a waste of the company's resources.

Vexatious Complaints

74. Bolton Cares will not accept complaints that it believes are vexatious. The company will refuse to accept complaints where it is apparent that the complainant is pursuing the complaint without merit and intends to cause inconvenience, harassment or expense to the company.

Behaviour of Complainants

75. Bolton Cares will always deal with complainants in a respectful and courteous manner and we expect the same in return.
76. However, the company will not tolerate deceitful, abusive, threatening, violent or other forms of unacceptable behaviour from complainants. Should such behaviour occur we will take proportionate action to protect the well-being of our staff and the integrity of our processes.
77. On most occasions when we consider someone's behaviour unacceptable we will explain why and ask them to change it. We will also warn them that if the behaviour persists we will take action to restrict their contact with our services.
78. If the behaviour is so extreme that it threatens the immediate safety and welfare of our staff we may report the matter to the police or consider taking legal action. On such occasions we may not give any warnings.
79. The Chief Executive Officer will decide whether the circumstances justify any restriction to services.

Implementation and review

80. The policy will be stored be accessible to all staff on the Company's intranet site. It will be communicated via the internal bulletin that this policy has been reviewed together with a link to access it from the intranet.
81. Managers should make it clear in team meetings and supervision that there is a complaints policy and guidance and direct staff to it.
82. Competencies will be checked by managers through supervision and team meetings. Complaints should form part of standard service management agendas.
83. Complaints management will be audited as part of the Company's regular audit process.
84. The policy will be reviewed every three years by the Board of Directors of Bolton Cares.