



Sussex Housing & Care

Complaints Resolution, Compliments & Comments: Policy

Approved by:	Board
Date approved:	27.03.18
Ownership:	Director of Housing & Care
Version:	Version 2
Which types of SHC housing does this apply to	<ul style="list-style-type: none"> • Sheltered housing • Care homes • Independent Living Accommodation • Leasehold
Implementation date:	27.03.18
Next revision due:	Usually in 2 years (subject to annual check)
Cross references:	<ul style="list-style-type: none"> • Complaints Resolution, Compliments & Comments Procedure • Compensation Policy & Procedure • Safeguarding Policy & Procedure

Change control details:

Record any changes to this document in the table below to provide a documentation audit trail.

Date	Version	Reason for changes
2013	V1	
2017	V2	<ul style="list-style-type: none"> • Policy update incorporating HCA regulatory framework & CQC KLOEs • Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16 • Includes compliments and comments • How SHC will learn from complaints, comments & compliments • Includes 'designated persons' as set out in Localism Act 2011
26 th March 2019		<ul style="list-style-type: none"> • Updated to incorporate section on suspending the complaints process

Legislation

Includes: Housing Act 1996 – Housing Ombudsman
Localism Act 2011 – Designated persons
Health and Social Care Act 2008

Regulatory Framework

Includes:

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 16
- Regulatory Framework: HCA Tenancy Involvement and empowerment standard
- Good practice/ framework: Housing Ombudsman
- HQN Complaints Toolkit

CQC KLOEs [The 5 Key Lines of Enquiry](#)

Competition and Markets Authority (CMA) study of the care homes market

<https://assets.publishing.service.gov.uk/media/5a32947be5274a1fee16bb9b/appendices-and-glossary-care-homes-market-study-final-report.pdf>

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Complaints Resolution, Compliments & Comments: Policy

1. Purpose

- 1.1 This policy, and accompany procedure, describes how Sussex Housing & Care (SHC) will resolve any complaints and respond to compliments and comments we receive about our services. The purpose is to:
- Make it easy for residents and other people (such as neighbours and family members) to let us know when they are not satisfied with our services, by having a well-publicised and accessible policy
 - Make every effort to put things right at the first point of contact
 - Make sure we provide a fair and consistent response to complaints
 - Make sure complaints are dealt with promptly, and in line with our standards
 - Learn from the complaints, comments and compliments made about our services.

2. Scope

- 2.1 This policy covers all the housing provided by SHC, and the associated services:
- Sheltered housing
 - Care homes
 - Independent Living Accommodation (ILA)
 - Leasehold homes.
- 2.2 This policy will refer to 'residents' to cover all those who live in SHC homes.
- 2.3 The **Complaints Resolution, Compliments & Comments Procedure** then describes the actions which need to be taken by SHC staff at each stage of the complaints process, depending on whether the complaint refers to sheltered housing, care homes and leaseholders.

3. Relevant legislation and regulation

- 3.1 SHC is a registered provider of housing and so *must* comply with the following legislation:
- The 1996 Housing Act requires all social landlords to be members of the Independent Housing Ombudsman Scheme
 - The Localism Act 2011 allows tenants of Registered Providers (such as SHC) from April 2013 to request that their complaints be considered by a **designated person** if they have exhausted the internal complaints process. This can include:
 - Any member of the House of Commons

- Any member of the local Council
 - A designated person/panel as recognised by the social landlord.
- 3.2 A designated person has the authority to refer the complaint to the Housing Ombudsman or Local Government and Social Care Ombudsman (LGSCO). Residents may also approach the relevant Ombudsman directly, however, they must wait 8 weeks after the end of the internal complaints procedure but no more than six months must have elapsed (please see our **Procedure** which explains this process in greater detail).
- 3.3 Registered Providers must comply with the Regulatory Framework for Social Housing in England 2012 and have an approach to complaints that:
- Is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly
 - Supports the formation and activities of tenant panels or equivalent groups and respond in a constructive and timely manner to them.
- 3.4 The Housing Ombudsman emphasises three principles behind effective complaints resolution:
- Be fair – treat people fairly and follow fair processes
 - Put things right
 - Learn from outcomes.
- 3.5 The [Health and Social Care Act 2008 \(Regulated Activities\) Regulations 2014: Regulation 16](#) is designed to make sure that people can make a complaint about their care and treatment. To meet this regulation SHC must have an effective and accessible system for identifying, receiving, handling and responding to complaints from people using the service, people acting on their behalf or other stakeholders. All complaints must be investigated thoroughly and any necessary action taken where failures have been identified.
- 3.6 The Care Quality Commission (CQC) who are responsible for inspecting residential care homes have developed five Key Lines of Enquiry (KLOEs) to determine whether homes are:
- Safe
 - Effective
 - Caring
 - Responsible
 - Well led.

- 3.7 This policy, along with our **Complaints Resolution, Compliments and Comments Procedure** is a key way for us to demonstrate that their services are meeting these KLOEs and Regulation 16.

Relevant Question under the KLOEs

S2: How does the service routinely listen and learn from people's experiences, concerns and complaints?

The majority of KLOEs refer to complaints and comments as evidence.

4. Policy Statement

- 4.1 The mission statement of SHC is *'to help people live their later lives to the full'*. It aims to keep its promises regarding standards of service and to *'...listen and respond to the views of our residents, staff and stakeholders.'*
- 4.2 SHC welcomes suggestions, comments and views on how we can improve our standards of care and when we have done something well. A vital part of this process is to learn from feedback from our residents and others.

5. What is a complaint, comment, or compliment?

- 5.1 The following definitions explain the difference (e.g. between a comment or complaint) to help SHC staff determine what action needs to be taken:
- **Comment** - A comment is positive or negative feedback about our service, which does not require a response.
 - **Complaint** - A complaint is any expression of dissatisfaction or concern, in any form, with our services, whether justified or not, which requires a response. This can either be a **Formal complaint** - a complaint that cannot be resolved quickly at point of contact, or one where the person has requested a formal, written response or an **Informal complaint** - a complaint that can be resolved quickly at first point of contact, and where a written response is not sought by the person making a complaint
 - **Service request** - A request for a service, such as a repair or the logging of an ASB incident, which has not been made to SHC previously.
 - **Compliment** - A compliment is an expression of gratitude or praise for a member of staff or service area.
- 5.2 The **Complaints Resolution, Compliments & Comments Procedure** will set out how SHC staff should respond to compliments and comments, as well as complaints.

6. What is not a complaint?

- 6.1 A complaint against SHC must relate to the services we provide. For example, if a resident is experiencing a housing management issue (such as their neighbour playing music too loudly) the resident will need to report this to SHC as anti-social behaviour rather than making a complaint.
- 6.2 If a service has been missed and resident(s) contacts us to ask us to ensure we carry out this service, at first this will usually be treated by SHC as an informal complaint (bringing an omission of failure to our attention). Then if the issue keeps happening and is not addressed then it becomes a complaint which will need resolving.

7. SHC Complaints process

- 7.1 Our internal complaints process can be divided into the informal and formal stages.

Informal complaint

- 7.2 Firstly an **informal** complaint or grumble, which could be resolved at the first point of contact, usually by the Scheme Manager or Care Home Manager.

Formal complaint

- 7.3 While SHC will always aim to resolve complaints at the earliest possible stage, the complainant may feel the need to make a formal complaint. A formal complaint can be made either verbally or in writing, but it is one where it is clear that the complainant wishes for a written response from SHC.
- 7.4 The **Formal** complaints process has the following stages:
- Stage 1: Investigation by service manager
 - Stage 2: Investigation by a member of Senior Management Team
 - Stage 3: An Appeals Panel.
- 7.5 All these stages are comprehensively covered in the **Complaints Resolution, Compliments & Comments Procedure**, including:
- Which staff are responsible for managing each stage
 - The deadlines for responding to complaints
 - Standard letters to be used at each stage of the process
 - How to record each stage of the complaints process.
- 7.6 At each stage SHC will seek to resolve the complaint and, if needed, act to prevent a reoccurrence of the situation which caused the complaint.

8. Suspending the Complaints Process

- 8.1 There may be certain situations where it becomes necessary to suspend the complaints process. For example, where an insurance claim has been raised for personal injury. In such cases continuing the complaints process may prejudice the outcome of the case.

9 Seeking redress from an external organisation

- 9.1 Once the internal complaints process has been exhausted, the resident will have the right to take their complaint to a 'designated person' such as a councillor (see 3.1 above for more details).
- 9.2 Residents can also seek redress from an external organisation, such as the Housing Ombudsman or the Local Government and Social Care Ombudsman (see 3.2). The **Complaints Resolution, Compliments & Comments Procedure** will set out the process for the resident to complain to an external organisation, depending on what type of housing they live in or how their care is funded.

10 Who is responsible for dealing with complaints?

- 10.1 The Complaints process in SHC is co-ordinated by the Customer Services Officer (CSO) who will be responsible for recording information about the complaint, forwarding it to the correct staff who investigate each stage of a complaint and ensuring that SHC meets its timescales for responding.

11 Staff training

- 11.1 SHC staff will receive training to help them:
- Identify whether they have received a complaint or a service request
 - Whether it is an informal or formal complaint
 - Resolve complaints and learn from complaints, comments and compliments.

12 Who can make a complaint?

- 12.1 Anyone can make a complaint about a service provided by SHC, or the contractors we employ. This could include:
- Residents
 - Their family or friends
 - Neighbours
 - GPs or Social workers who visit a care home and wish to raise a concern.

12.2 If it is a resident making the complaint, wherever possible we will deal directly with them. However a resident can authorise someone to take a complaint on their behalf, such as:

- Advice agencies (such as the Citizens Advice Bureau) or a support worker
- Friends or family
- Estate advocates.

12.3 In these cases the person receiving the complaint will seek the written consent (including by email) of the resident to answer the complaint and complete with them the relevant form.

13 Supporting the resident & equality of access

13.1 SHC will always be guided by its commitment and responsibilities to enabling equality of access to our services. This includes making reasonable adjustments to our service to help our residents, and others, where needed.

13.2 For example residents and other people who do not have English as a first language who may need help with interpretation and translation services, or ensuring our documents are accessible to those with visual impairments. An Equalities Impact Assessment (EIA) has been completed to help us develop this policy.

13.3 Where the complaint relates to another organisation, staff may support the resident to make a complaint to the service or organisation responsible, or refer the resident to agencies such as the Citizens Advice Bureau (CAB) which may be able to help them make a complaint.

14 Using advocates or support to make a complaint

14.1 SHC welcomes the use of advocates or third parties to support someone making a complaint.

14.2 Examples of third sector organisations which SHC will sign post residents to, include:

Healthwatch which can be contacted using these links;

For East Sussex <https://www.healthwatcheastsussex.co.uk/>

West Sussex <http://www.healthwatchwestsussex.co.uk/>

Brighton & Hove <https://www.healthwatchbrightonandhove.co.uk/>

Age UK which can be contacted at:

For West Sussex <https://www.ageuk.org.uk/westsussex/>

East Sussex <https://www.ageuk.org.uk/eastsussex/>

Brighton & Hove <https://www.ageuk.org.uk/brightonandhove/>

Citizens Advice Bureau You can use this link to find out the services they provide and look up your local CAB <https://www.citizensadvice.org.uk/about-us/how-we-provide-advice/advice/>

The Relatives & Residents Association A national charity for those in residential care and the people supporting them
Website: <http://www.relres.org/> Helpline: 020 7359 8136

- 14.3 However, SHC does not accept the use of lawyers or paid advocates as this is then a litigation process and excluded from our **Complaints Resolution, Compliments & Comments Procedure**.

15 Mediation

- 15.1 In appropriate cases SHC may suggest, arrange and pay for mediation between ourselves and a complainant, in order to resolve a complaint.

16 Treating each complaint on its own merit

- 16.1 Each complaint will be considered separately by SHC; it will not automatically be assumed that someone who has been unreasonable in the past will do so with the next complaint.

17. Vexatious complaints

- 17.1 However if a complainant makes repeated and/or malicious and/or frequent complaints which cannot be substantiated, SHC will identify one point of contact for them and limit their communication to this person. In some cases SHC may limit the number of contacts the complainant may make each week, or limit the channels of communication to which we will respond. If the complainant is aggressive or abusive, SHC will restrict them to written communication. Malicious and/or vexatious complaints are a breach of tenancy conditions, and may lead to a tenancy being demoted or to a care home resident being asked to find an alternative service.
- 17.2 See **Appendix 1** for examples of vexatious or persistently unreasonable complaints.

18. Compliments

- 18.1 Should anyone wish to express a compliment about a member of staff or the service received by SHC, this is to be logged and the compliment shared with the member of staff/team and the line manager in accordance with the **Complaints Resolution, Compliments & Comments Procedure**.

Appendix 1: Vexatious or persistently unreasonable complaints

These are examples of behaviour which can be regarded as vexatious;

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process
- Refusing to accept that certain issues are not within the scope of a complaints procedure
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced
- Changing the basis of the complaint as the investigation proceeds
- Denying or changing statements he or she made at an earlier stage
- Introducing trivial or irrelevant new information at a later stage
- Raising many detailed but unimportant questions, and insisting they are all answered
- Submitting falsified documents from themselves or others
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or detailed letters every few days, and expecting immediate responses
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints
- Refusing to accept the decision; repeatedly arguing points with no new evidence.¹

¹ <http://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour>