

**Complaints, Comments and
Compliments
Policy and Procedure
Applicable to all LJWB services**

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1. Scope

This policy explains how Leeds Jewish Welfare Board (LJWB) encourage, respond to, monitor and act on complaints, comments and compliments received from the people who use our services, their representatives and others about the services we provide.

Its purpose is to help employees view complaints and concerns as positively as compliments. This helps to support our understanding of customer satisfaction and improving our services. This document outlines the procedures we expect employees to follow to resolve complaints as quickly as possible and meet the regulatory requirements on LJWB to monitor complaints and compliments.

Additional information is also available for people who use our services, their families and representatives so that they can see how to complain or compliment our services and how we will respond to their comment, complaint or compliment. This information is also available in different formats on request.

2. Policy Statement

Leeds Jewish Welfare Board believes that if anyone involved with the organisation, or anyone who acts in a person's best interest wishes to make a complaint, register a concern or give a compliment, they should find it easy to do so. It is LJWB's policy to welcome complaints and compliments and look upon them as an opportunity to learn, adapt, improve, and provide better services.

When dealing with complaints LJWB's approach is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. However, LJWB understands that failure to listen to or acknowledge complaints could lead to an aggravation of problems, service user dissatisfaction and possible litigation.

LJWB supports the principle that most complaints, if dealt with early, openly, and honestly, can be sorted at a local level, i.e. between the complainant and the relevant service. If this fails due to the complainant being dissatisfied with the result, LJWB respects the right of the complainant to take the complaint to the next stage by seeking a review with the relevant reviewing body of how the complaint was addressed. LJWB aim is always to make sure that the complaints procedure is properly and effectively implemented, and that people feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

We treat all complaints and compliments in confidence and use the information to learn from and improve our services. We will not withdraw or reduce services because someone makes a complaint in good faith.

Information held about complaints and compliments will be held and processed in line with the principles of the Data Protection legislation. Statistical reports will be produced to monitor trends, but individuals will not be identified in these reports.

3. Complimenting our Services

Compliments are defined as positive feedback and may relate to an individual or service.

Compliments are valuable, welcome, and important, and when they are received, either verbally or in writing, they should be recorded. Compliments enable LJWB to:-

- understand that our service is being provided to the recipient's satisfaction.
- provide positive feedback to our staff.
- influence our organisational and service development
- inform our quality assurance programme.

People can notify us of their compliments or comments by:

- Email using theboard@ljwb.co.uk or by using the *Contact us* tab on our website www.ljwb.co.uk
- Advising a member of staff in person of comment or compliments – staff will ensure that it is formally recorded, and the appropriate persons are made aware of it.
- Writing their comment or compliment in the service's Compliment's book.

4. Registered Care provision

The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulation 16: *Receiving and Acting on Complaints*, requires care providers to have an effective system to identify, receive, handle, and respond appropriately to complaints and comments made by people who use their services, or persons acting on their behalf, and others involved with the service.

As a provider of Registered Care, LJWB must comply with Regulation 16, which is one of the fundamental standards which providers must act in accordance with to meet their registration requirements. This states the following:

- Any complaint received must be investigated and necessary and proportionate action must be taken in response to any failure identified by the complaint or investigation.
- The Registered Person must establish and effectively operate an accessible system for identifying, receiving, recording, handling and responding to complaints by service users and other persons in relation to the carrying on of the regulated activity.
- The Registered Person must provide to the Care Quality Commission, when requested to do so and by no later than 28 days beginning on the day after receipt of the request, a summary of:
 - a) Complaints made under such complaints system
 - b) Responses made by the registered person to such complaints and any further correspondence with the complainants in relation to such complaints
 - c) Any other relevant information in relation to such complaints as the Care Quality Commission may request.

To ensure compliance with Regulation 16, LJWB will:

- Bring the complaints system to the attention of people who use the services and people acting on their behalf in a suitable manner and format
- Facilitate the making of complaints when one is being made.

- Acknowledge and investigate all verbal and written complaints and (where relevant), work with other services where the complaint is of a joint nature to address the issues raised
- Ensure that people who use the services have access to and the help of an independent advocacy service, which they might need to make a complaint where they lack the capacity or means to make the complaint without such assistance. An advocate can assist the person at all stages in the complaints process. (See also the separate policy on Advocacy.)

Where appropriate LJWB will also refer users to the leaflet published by the Care Quality Commission (CQC), How to Complain About a Health or Social Care Service.

This policy should be read and used in relation to other policies on:

- Assessing and Monitoring the Quality-of-Service Provision
- Safeguarding Service Users from Abuse or Harm
- Duty of Candour

A complaint is any expression of dissatisfaction by an individual, whether justified or not.

5. Principles of Complaints Handling

- People who use our services, their representatives and carers and others involved with the organisation are always made aware of how to complain, for example, by having a complaints notice displayed prominently in public areas, having copies of the complaint's procedure included in the information given to people who use our services. We will also ensure we have the procedure available in alternative formats in line with individuals' communication needs.
- People who use our services, their representatives and carers and others involved with the organisation, are always made aware that LJWB provides easy-to-use opportunities for them to register their complaints.
- A named person is always responsible for the administration of the procedure.
- Every written complaint is acknowledged within two working days.
- Investigations into written complaints are held within 28 days.
- All complaints are responded to in writing.
- Complaints are dealt with promptly, fairly and sensitively with due regard to the upset and worry that they can cause to individuals and those against whom the complaint has been made.

LJWB recognises national guidance on complaints handling, which uses a three-stage (two stages for some self-funding service users) model of:

- Local resolution
- Complaints review
- Independent external adjudication by Local Government and Social Care Ombudsman, Health Service Ombudsman or through the Parliamentary and Health Service Ombudsman.
- Within LJWB, the person to whom complaints should be made is the relevant service manager.

6. Joint Protocol on complaints handling between Leeds City Council Adults and Health Directorate and their Commissioned service providers.

LJWB will act in accordance with this Joint Protocol implemented 1st October 2018 regarding complaints about services commissioned to be delivered on behalf of Leeds City Council (LCC), Adult Social Care and Public Health (referred to as the Adults and Health Directorate).

- This protocol is relevant to people who use services commissioned by LCC, Adults and Health Directorate and delivered on its behalf by LJWB. These services include:
 - LCC funded packages of care in Moorcare Domiciliary and Respite services
 - LJWB Learning Disability Residential Care Services
 - Some services delivered by the LJWB Community Support Services
 - Some of the activities delivered by the LJWB Community Inclusion & Engagement Team.
- Complaints regarding these services can be made either to LJWB or Leeds City Council Adult and Health Complaints Team as the commissioner of the service.
- If the complainant is unhappy with the outcome of either of LJWB or Leeds City Council they can complain to the Local Government & Social Care Ombudsman or to the Parliamentary and Health Ombudsman.
- Where care or activity is self-funded and the person accessing it has arranged it themselves with no contact with Leeds City Council, the local authority has no responsibility to investigate or respond to any complaints. The person can speak directly to LJWB regarding any issues they have. If they are unhappy with the response, they can then take their complaint to the Local Government and Social Care Ombudsman.
- Complaints regarding a service/care that is paid for via direct payments / personal budget should be made to the Leeds City Council Adults and Health Complaints Team or LJWB. The decision on whether the local authority will review the complaint will be made on a case-by-case basis, taking into consideration the Duty of Care the Leeds City Council has towards the complainant.
- On receipt of a complaint relating to a commissioned service LJWB will follow all requirements outlined within the Joint Protocol on Complaints Handling between Leeds City Council Adults and Health Directorate and Commissioned Services, including submitting a monthly return of all complaints received in the previous month.
- All complaints deemed to be serious must be reported to Leeds City Council Adult and Health Complaints team within 24 hour of receipt to agree how the complaint will be handled.

7. The Complaints Procedure

Stage One: Local Resolution

LJWB works on the basis that wherever possible, complaints are best dealt with directly with the people who use the services and its staff and management. On receipt of a complaint, LJWB staff will meet or telephone the complainant to ascertain the nature of the complaint and what they are seeking as resolution. A written statement must be taken and provided to the complainant. If appropriate local resolution through an independent investigation may be undertaken, or if a safeguarding issue is highlighted, a referral to Leeds Safeguarding Adults or Childrens' Services.

Stage Two: Complaints Review

- In line with national guidance and the Joint Protocol on complaints handling between Leeds City Council Adults and Health Directorate and their Commissioned service providers (see above), LJWB recognises that if the complaint is still not resolved, the complainant has a right to take their complaint to the Leeds City Council Adult and Health Complaints Team if the complaint is in regard to a service commissioned by the local authority.
- A self-funding person using LJWB services whose care and support has no local authority involvement is entitled to go directly to the Local Government and Social Care Ombudsman for resolution.

Stage Three: Independent External Adjudication

If complainants are still dissatisfied with the management and outcome of their complaint LJWB is aware that they can refer the matter to Local Government and Social Care Ombudsman external independent adjudication, or ultimately the Parliamentary and Health Service Ombudsman.

7.1 The role of the Care Quality Commission

If a complaint is made to CQC about LJWB's Registered Care Services, then LJWB must comply with Regulation 16: Receiving and acting on complaints – the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014:

- Any complaint received must be investigated and necessary and proportionate action must be taken in response to any failure identified by the complaint or investigation.
- The registered person must establish and effectively operate an accessible system for identifying, receiving, recording, handling, and responding to complaints by service users and other persons in relation to the carrying on of the regulated activity.
- The registered person must provide to the Commission, when requested to do so and by no later than 28 days beginning on the day after receipt of the request, a summary of the complaints made under such complaints system,
- Responses made by the registered person to such complaints and any further correspondence with the complainants in relation to such complaints, and
- Any other relevant information in relation to such complaints as the Commission may request

7.2 Safeguarding Issues

In the event of the complaint involving alleged abuse or a suspicion that abuse has occurred, LJWB will refer the matter immediately to the Leeds Safeguarding Adult and / or Childrens' Services. When this happens, the safeguarding procedures will take precedence and the complaint will be 'on hold' until those procedures have been concluded. The decision to pause the complaint will be made by the relevant complaint's manager in discussion with safeguarding managers.

7.3 Verbal Complaints

LJWB adopts the following procedures for responding to complaints and concerns made verbally to staff or to managers.

- All verbal complaints, no matter how seemingly unimportant, are taken seriously and are immediately acknowledged as concerns.
- If complaints are made verbally, the nature must be documented, and a statement of the complaint provided to the complainant.

- Front-line care staff who receive a verbal complaint are instructed to address the problem straight away.
- If staff cannot solve the problem immediately, they should offer to get the 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 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 manager or the member of staff dealing with the complaint will suggest a course of action to resolve the complaint. If this course of action is acceptable, then the member of staff will 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 manager will ask the complainant to put their complaint in writing and give them a copy of the home's complaints procedure.
- Details of all verbal complaints are recorded in the complaints book by the staff or managers who receive the complaint, and on individual's care records where appropriate, with information on how a specific matter was addressed.

7.4 Written Complaints

LJWB adopts the following procedures for responding to written complaints.

Preliminary steps

- When a complaint is received in writing it is passed onto the manager of the service named in the complaint who will then acknowledge receipt within two working days. The letter will detail will confirm that the complaint will be investigated and by whom and provide contact details and timescales. A summary of the complaint is then sent to the EO who logs this in LJWB's complaint log.
- The investigating person deals with the complaint throughout the process.
- If necessary, further details are obtained from the complainant. If the complaint is not made by a person who uses or working with service, but on another individual's behalf, then consent of the person, preferably in writing, is obtained from the complainant.
- If the complaint raises potentially serious matters, advice will be sought from a legal advisor. If legal action is taken at this stage any investigation under the complaint's procedure should cease immediately pending the outcome of the legal intervention.

- A complainant, who is not prepared to have the investigation conducted by LJWB or is dissatisfied with the response to the complaint, is advised to contact the organisation or organisations responsible for commissioning their services (local authority and/or health service) for a review of their complaint.
- The complainant then has the option of taking the matter to independent external adjudication and will be referred to the information provided by the CQC in its leaflet How to Complain About a Health or Care Service (July 2013).

7.5 Investigation of the Complaint

- Immediately on receipt of a written complaint LJWB will launch an investigation and aims within 28 days 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 will be informed of any delay and the reason for the delay.

7.6 Meeting

- If a meeting is arranged the complainant is 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 is given and 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.

7.7 Follow-up action

- After the meeting, or if the complainant does not want a meeting, a written account of the investigation is sent to the complainant. In this account the investigating person will state if the complaint is upheld, partially upheld, or not upheld and the reasons for this judgement.
- This correspondence will also include details of how to take the complaint to the next stage if the complainant is not satisfied with the outcome.
- The outcomes of the investigation and the meeting are recorded in the complaints log and any shortcomings in procedures or practice are identified and acted upon.
- LJWB's Senior Leadership Team reviews all complaints to determine what can be learned from them. Complaints should also be monitored by the respective committee dealing with the service involved and also an annual summary presented to the Board of Trustees.

8. Anonymous complaints:

Complaints submitted to LJWB anonymously will be considered if enough information is provided to enable the organisation to investigate further, whereby the investigation process outlined above will be followed. Where this is not the case, the organisation may decide to take no further action but may record the complaint in case it becomes evident that corrective action is required. Any anonymous complaint containing serious allegations must be referred in writing to the CEO. Where members of staff are the subject of an anonymous complaint,

the member of staff will be supported to seek guidance and support from the organisation's Human Resources department or an external agency if appropriate to do so.

9. Complaints made by representatives:

LJWB will accept complaints made on behalf of other people under certain conditions. These are:

- When we are aware the person concerned has consented either verbally or in writing

Or

- When the person concerned cannot complain without support and give consent because they lack capacity within the definition of the Mental Capacity Act 2005 and
- the representative is acting in the person's Best Interests- for example, where the matter complained about, if true, would be detrimental to the person

10. Recording Complaints, Comments & Compliments

All complaints, comments and compliments shall be formally recorded and held in a log which shall detail:

- the nature of the complaint, comment or compliment
- the people involved
- details of any investigations undertaken
- action resulting from the investigation
- lessons learned

Monthly returns outlining Complaints, Comments and Compliments are completed by service managers to the EO, who completes and submits returns where applicable to Leeds City Council as part of their monitoring systems. The EO also provide reports to the Board of Trustees annually, comprising of numerical data and an analysis of trends and lessons learned and changes made to practice as a result of Complaints, Comments and Compliments.

11. Training

LJWB will ensure all staff are trained in how to respond correctly to complaints and are aware of the need and processes to capture comments and compliments of any kind. Complaints and handling comments and compliments policy training is included in the induction training for all new staff and updated as indicated by any changes in this policy and procedures and in the light of experience of addressing complaints.

12. Useful information:

CQC:

CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Telephone: 0300 061 6161

Fax: 030 061 6171

Local Government and Social Care Ombudsman:

You can find their complaints form on their website: - www.lgo.org.uk

Or email at advice@lgo.org.uk

Telephone: 0300 061 0614

Text 'call back': 0762 481 1595

Leeds City Council:

The Complaints Manager

Leeds City Council

Adults and Health Complaints

P.O. Box 848

Leeds

LS1 9PQ

Telephone: 0113 222 4405

Email: complaints.socs@leeds.gov.uk