



Group Complaints

Policy and Procedure

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1. Introduction

Kisimul Group is committed to responding quickly, openly and sensitively to complainants, and aims to support spirit of candour and a culture of openness and honesty as we seek to resolve concerns, learn lessons from mistakes that may have occurred, and improve the quality of services we provide.

This policy sets out a framework for the management of complaints from the people we support, or their significant others, regarding care, support or education, provided by the Kisimul Group.

The aim of the policy is to outline the procedure to enable resolution of complaints, both formal and informal, as quickly as possible, either through local resolution by a front-line member of colleagues, through colleagues who are empowered to deal with complaints as they arise in an open and nondefensive way, or through subsequent investigation and conciliation

2. Purpose

The policy is designed to ensure that the Group provides a timely and effective service to resolve complainants' concerns, support complainants and colleagues throughout the process, deliver a consistent approach across the Group, and have sound systems for learning lessons from complaints.

We are committed to respecting the human rights of service users and their circle of support, the principles of fairness, respect, equality, dignity and autonomy will be taken into account when receiving, monitoring and reviewing complaints.

The purpose of the Complaints policy is to ensure that:

- The complaints procedure will be accessible and well publicised to people we support, and other potential complainants
- The Group will respond in a prompt and sensitive way to the complaints it receives
- The Group response to complaints will be open and transparent
- The complaints procedure will be supportive for those who may find it difficult to complain
- The procedure will be accessible to all regardless of age, disability, sex, ethnicity, belief or sexual orientation
- The procedure will be fair to people we support, other complainants, and colleagues
- The lessons learned in complaints resolution will be used to improve services for people we support, and to inform colleagues professional development
- People we support and their circle of support should be able to complain without fear of being discriminated against or adversely impacted as a result of making a complaint

3. Definitions

A **complaint** is an expression of dissatisfaction, however made, about the standard of service, or actions, or omissions, by the colleagues of Kisimul Group, in the performance of their duties.

People we support, and other potential complainants, are encouraged to verbally or informally voice any concerns they have at a very early stage, so these can be resolved before the issue

escalates, and the individual's dissatisfaction increases. Complaints raised in this way are referred to in this policy as **'informal complaints'**. This includes any concern that is raised by a person we support during key worker meetings, or other communications process. Where this occurs the member of colleagues concerned should feed this concern into the informal complaints process, and record it as such.

We view any complaints as an opportunity to identify anything that is going wrong in our organisation and would hope to resolve them quickly and informally. However, where issues cannot be resolved at informal, verbal stage, the complaint should be submitted to the Group in writing and this would then constitute a **'formal complaint'**.

Any complaint, regardless of level of formality, will be taken seriously and dealt with in a swift manner, according to the guidelines set out in the complaint's procedure. All complaints will be treated as confidential in line with General Data Protection Regulations.

4. Scope

This policy is underpinned by the duty of candour. This requires colleagues to be open and honest in their communication with people we support and their nearest relatives. Being open involves explaining what happened after an event, acknowledging and apologising for mistakes, and putting things right.

This policy sets out a framework for the management of complaints in line with best practice and the expectations of the Local Government and Social Care Ombudsman, the Care Quality Commission and Ofsted. It fulfils the current provisions of the Local Authority, Social Services and NHS Complaints Regulations 2009 and the Children's Home Regulations 2015. In line with these requirements the complaints procedure provides for concerns to be dealt with through local Resolution at Group level. Any complainant who remains dissatisfied following the conclusion of Local Resolution has the right to request an Independent Review from the Local Government and Social Care Ombudsman.

5. Who can complain?

Complaints may be made by people who use, or have used, our services, their relatives, or representatives acting on their behalf, about issues affecting those we support, with their consent.

A complaint may also be made by a representative acting on behalf of an existing or former service user where that person:

- Is unable by reason of physical or mental incapacity (within the meaning of the Mental Capacity Act 2005) to make the complaint him/herself; or
- Has requested the representative to act on his/her behalf
- Is a child
- Has died
- Has been asked to do so by the person we support

If the complainant is not the person we support, and the person we support has capacity to make complaints themselves, the consent of the person we support should be sought before disclosing any personal information to a third party.

In the case of a child, the representative must be a parent, guardian or other adult who has care of the child. Where the child is in the care of the local authority, the representative must be a person authorised by that body.

Children can make a complaint in their own right where it is deemed they have the capacity to do so.

Complaints which fall outside of this procedure

- Complaints which have already been investigated in accordance with Group formal Complaints Procedure. These will not be re-investigated, and the complainant will be reminded of their right to refer their concern to the Local Government and Social Care Ombudsman for a Stage 2 review.
- Complaints regarding for the first time regarding an issue or concern that arose over 12 months prior to the complaint being made.
- The complaint is or has already been investigated by the Local Government and Social Care Ombudsman.
- A complaint that was raised orally and resolved to the complainant's satisfaction by the next working day.
- Anonymous complaints. However, where an anonymous complaint raises serious concerns of a safeguarding nature, the anonymous complaint will be dealt with via the whistleblowing procedure.
- The complaint relates to matters that should be dealt with under other proceedings such as grievance, whistle-blowing or bullying and harassment.
- The Complaints procedure is not for colleagues of the company. Colleagues who have complaints about other colleagues, support given to a person we support, Group services, or their own employment, should take forward their concerns through the relevant procedures for:
 - Grievance
 - Bullying and Harassment
 - Whistle Blowing

6. Roles and Responsibilities

All colleagues:

- Have a responsibility to be aware of, and comply with, the Group's Complaints Policy and Procedure
- Must comply with the Duty of Candour, at all times
- Must report any informal or formal complaint received to their line manager

In following this procedure all colleagues should ensure that:

- All complainants are listened to and treated with respect and courtesy at all times
- Where possible simple concerns or complaints are resolved at the earliest possible opportunity, at local level, making sure that complainants receive a full explanation with an apology where appropriate
- Letters of complaint, including emails, are immediately referred to the Home/Service Manager or Head Teacher.

Home/Service Managers, or Head Teachers will:

- Ensure all complaints are recorded on the Radar system
- Ensure complaints are investigated, acknowledged and responded to in line with this procedure
- Immediately refer any complaints that pertain to their own practice to their Line Manager
- Maintain ongoing dialogue with complainants and ensure they are kept informed of progress
- Ensure our Duty of Candour is followed and the complaints are investigated and responded to in the spirit of openness and learning
- Keep robust records and complaint files within the service, including completion of the Complaints Logs that are appended to this policy.
- Report very serious complaints to the Executive Team via the Serious Incident Procedure
- Share draft final responses with the relevant Area Manager or Head of Care/Education and Director of Adult/Children's Services, and ensure their agreement of final responses, prior to sending (template letter for final responses can be seen at **appendix 4**)
- Upload all correspondence to the Radar system
- Ensure that accessible information is available for people we support, letting them know how to make a complaint (see **appendix 5**)

Area Managers and Heads of Care/Education

- Responsible for effective complaints management within their area
- Ensure all complaints received are investigated in accordance with the Duty of Candour and that investigation and responses are provided within agreed timescales
- Identify individual responsibilities for complaints, ensuring that the Investigating Officer has the appropriate seniority and knowledge and is suitably independent of the events that gave rise to the complaint
- Sign off complaint responses before they are sent to the complainant
- Meet with the complainant where direct involvement may help in the investigation and resolution of the complaint
- Agree action plans arising from complaints. Ensure these are implemented and changes in practice take place
- Coordinate and oversee reports submitted to the Ombudsman to ensure they are clear and factually correct

Directors of Adult/Children's services

- Ensure effective systems are in place for the management of complaints in line with national standards, within their service area
- Provide supervision and oversight to Area Managers/Head of Care/Head of Education with regards to complaints management, and quality of responses.
- Meet with the complainant (s) where direct involvement may help in the investigation and resolution of the complaint
- Convene a panel review in the event of a complainant being dissatisfied with a written response to a formal complaint.

Director of Quality

- Executive strategic lead for complaints management
- Ensures effective systems are in place for the management of complaints in line with national standards
- Ensures complaints response timescales are monitored, and themes and trends from complaints are reviewed within the formal governance structures, to ensure learning is captured and acted upon as appropriate.
- Work with the Director of Adults/Children's services to convene a panel review in the event of a complainant being dissatisfied with a written response to a formal complaint
- Escalates concerns to appropriate parties and the Board

Chief Executive

The Chief Executive is accountable for the Group complaints arrangements, and delegates this responsibility to the Managing Director and Director of Quality.

Serious Complaints

If an allegation or suspicion of any of the following areas is received:

- any form of abuse or neglect related to a child or adult
- financial misconduct
- criminal offence
- safeguarding issues it should immediately be reported as a Serious Incident under the Group Serious Incident Reporting Policy (in all cases of or suspected or actual safeguarding issues) and investigated as a formal complaint, and/or referred to the appropriate agency, as appropriate.

If the complaint is referred to an appropriate agency for more serious investigation (i.e. police, Local Authority Designated Officer/Safeguarding Team, etc.), then the complaints process may not necessarily be the most appropriate route of investigation and a decision will be made as to whether the complaint should be investigated.

Where the allegation or suspicion is in relation to a professional in a position of trust who is working with people at risk a referral will be made to the Local Authority Designated Officer/Safeguarding Team immediately.

7. Stage 1 for Formal Complaints – Local Resolution

The Group is committed to responding to complaints quickly and sensitively. The majority of complaints will be resolved through local resolution. The primary objective of local resolution is to provide the fullest possible opportunity for investigation, fact-finding and resolution of the complaint, as quickly as possible, with the aim of satisfying the complainant whilst being fair to colleagues.

Procedure for addressing informal complaints/concerns

Those who use our services have an absolute right to use the formal complaints process about any aspect of our work. Nevertheless, there may be opportunities to resolve issues less formally, which should be explored where possible with a view to responding to concerns as they arise, and are informally raised, and resolving these immediately.

Those raising issues should be encouraged to speak openly about their concerns and reassured that what their feedback will be treated with appropriate confidence and will not affect any support given. Any comments or expressions of dissatisfaction should be listened to sympathetically. It should always be the aim of colleagues to resolve concerns promptly so that the experience of those who we support is not diminished.

Colleagues who are unable to resolve the matter themselves should refer them to the most senior member of colleagues on duty. This is the most appropriate route for concerns and issues that do not indicate serious misconduct/negligence or raise concerns in relation to safeguarding children or vulnerable adults. Where colleagues are unable to resolve the complaint, the complaint is very serious, with risk identified, or the complainant wishes it to be dealt with in a more formal manner, the complaint should be dealt with under the formal complaints process.

It is the responsibility of the Home/Service Manager, or Head Teacher to maintain a log of all informal complaints made, which will include the following:

- Name of complainant
- Date received
- Issue of concern
- Actions taken to resolve
- Details of feedback given to the complainant
- Date of feedback given to the complainant
- Details regarding their response/level of satisfaction

A template is provided. See **appendix 1**. A copy of this will be held at the home/school/service and made available for the analysis of themes and trends within the company governance structures, when required.

Feedback of the action taken and outcome will be given within **7** days from the date it was received. Where this is not possible the complainant should be notified in writing of progress, and the reasons for any delays.

Following this, if the matter is felt not to have been resolved satisfactorily, a 'formal complaint' can be made, by the complainant, to the Group.

Procedure for addressing formal complaints

Where possible, complainants should be encouraged to make formal complaints in writing. However, if they are not able to do this, or the matter needs more urgent resolution, then formal complaints can be taken verbally from complainants, by colleagues, with an account of the concerns agreed with the complainant, and summarised in writing by a member of colleagues. Where the person we support or other complainant needs or wants objective/confidential support to do this, from outside of the Group, they should be provided with details of an external advocacy service, who can support them with making a formal complaint, and supported to access this, if needed.

Formal complaints are recorded in a formal complaints log (see **appendix 2**), which is stored confidentially at the site concerned, in a complaints file, that holds copies of the original complaint and all subsequent correspondence. This will include the following:

- Name of complainant
- Copy of the complaint
- Copy of acknowledgement letter (template letter can be seen at **appendix 3**)
- Copy of any relevant investigation information
- Copy of the response to the complaint
- Any subsequent correspondence from the complainant

All records, complaint register, correspondence and statements, etc. relating to individual complaints are stored confidentially in line with General Data Protection Regulations and the Working Together to Safeguard Children 2015 guidelines, except where the Secretary of State or a body requesting an inspection makes a written request for access to the information.

All formal complaints, acknowledgement letters and final responses will be uploaded to the Radar system and copies forwarded to the relevant Area Manager or Head of Care/Education and Operational Leads for Children's and Adult Services, at the point of receipt/completion. The Director of Quality will maintain a central log of all complaints, and monitor themes, trends, lessons learned and timescales for completion.

Nobody, who is the subject of a formal complaint, will be involved in investigating it.

Timescales for complaints at stage 1

Day 0 - Complaint received. The Home/Service Manager or Head Teacher will:

- Forward a copy of the complaint to the relevant Area Manager or Head of Care/Education, Director of Adult/Children's Services.
- Record the complaint on the Radar system
- Arrange to meet with the complainant, where appropriate

By working day 3 The Home/Service Manager or Head Teacher will:

- Acknowledge the complaint by letter

- Send a copy of the complaints acknowledgement letter to the relevant Area Manager or Head of Care/Education, Director of Adult/Children's Services.
- Upload a copy of the complaints acknowledgement onto the Radar system
- Seek the consent of the individual concerned (where the complaint relates to the care and treatment of a person we support who has capacity)
- Determine the proposed plan for investigation and resolution, and set this in motion.

By working day 20 A draft complaints response should be sent by the Home/Service Manager or Head

Teacher to the relevant Area Manager or Head of Care/Education and Director of Adult/Children's Services, for review and agreement.

By working day 25 The Home/Service Manager or Head Teacher should send the final response to the complainant, and uploaded to the Radar system.

Where the complainant is unhappy with the written response the Director of Adults/Children's Services and the Quality Director will be informed and copied in to any relevant correspondence who will liaise to consider, where appropriate:

- Further investigation be carried out by another manager not connected with the initial investigation into the complaint
- Arranging mediation
- Convening a panel review on behalf of the Group, which will consist of at least three people who were not directly involved in the matters detailed in the complaint, at least one of whom is independent of the management and running of the school. Panel reviews will:
 - allow for the complainant to attend and be accompanied at a panel hearing if they wish
 - make findings, recommendations and detail action taken, which are provided to the complainant and, where relevant, the person complained about; and are available for inspection on the premises, by the Group and Home/Service Manager or Head Teacher

Where this is unsuccessful the complainant, and the complainant remains dissatisfied, they will be reminded of their right to progress to Stage 2 independent review by the by the Local Government and Social Care Ombudsman.

8. Stage 2: Local Government and Social Care Ombudsman – Independent Review

Once a complaint has been fully dealt with by Kisimul Group, if the complainant is not satisfied with the outcome they can refer their complaint to the Local Government and Social Care Ombudsman (LGSCO) and ask for it to be reviewed. The LGSCO provides a free, independent service and can be contacted for information and advice, or to register a complaint:

- on 0300 061 0614
- via www.lgo.org.uk/adult-social-care/

- in writing to The Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH

The LGSCO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters. Details of stage 2 of the complaints process will be included in final complaints responses.

In addition, complainants can contact the appropriate regulator as follows;

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne NE1 4PA
Tel: 03000 616161
Web: www.cqc.org.uk

Ofsted National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD
Tel: 0300 123 1231
Email: enquiries@ofsted.gov.uk

(Please note: The Disability Rights Commission may be contacted for advice if there is deemed to have been a breach of the Disability Discrimination Act 95.
Telephone: 08457 622 633)

In addition, complaints may be made directly at any time to the relevant commissioning authority.

9. Governance and Learning from Complaints

The complaints process aims to ensure that learning from feedback is used improve the quality of services provided by the Group. The timely and appropriate dissemination of learning from complaints is essential to ensuring participation in the learning process and improved care.

Complainants satisfaction regarding the quality of the response, the efficacy of how their complaint was handled, and subsequent action taken to alleviate the matter regarding which they were concerned, is subject to annual audit.

Data with regard to complaints, and how they have been handled and responded to, will be reviewed within the Practice Effectives and Safeguarding Committees, and the Quality Board. This will include:

- Outcomes of annual complaints audit, and the implementation of the findings
- Details of complaints (number and type) received in the quarter
- Due and overdue investigations

- Outcomes of investigations in the quarter
- Themes and hotspots
- Actions taken and lessons learned from the themes
- Action implementation delays
- Complaints referred to the Ombudsman and subsequent outcome
- Any serious or contentious issues of concern

The Practice Effectiveness and Safeguarding Committees are responsible for providing oversight of complaints, adequacy of complaints handling, and ensuring local lessons are applied, and shared Group wide as required. A summary of activity, and any risks, themes or trends identified, together with details of any themes that need addressing proactively, at organisational level, will then be escalated to the Board of Directors, via the Quality Board.

10. Appendices

Appendix 1 Informal Complaints Log Template

<https://kisimul.sharepoint.com/:x:/s/Policies/ESMhR7a6S1ZNoDbJa-dZFHoBdlGe9503ZkihrCAjtYPctA>

Appendix 2 Formal Complaints Log Template

<https://kisimul.sharepoint.com/:x:/s/Policies/EQlwB6rjdOhEraZnjsaEK-UBw2S2Wq1ekOL-hMEzzig5xw>

Appendix 3 Formal Complaints Acknowledgement Letter Template

Appendix 4 Formal Complaints Response Letter Template

Appendix 5 Accessible Information Resources

Sharing a Complaint About My Care

<https://kisimul.sharepoint.com/:b:/s/Policies/EWV6ErqadbBArDgoxyyF9TYBO9FDwzYQBipb7xwqyHCQDA>

Sharing a Compliment About My Care

<https://kisimul.sharepoint.com/:b:/s/Policies/ETTKG6og7sNCvHPzBahxrcgBdTzyJRKXJ3gwPaLSIMfaUw>

Sharing Your Experience

<https://kisimul.sharepoint.com/:b:/s/Policies/ERYhupTQ8vRAgpRmn2q8JEABZHgUC1IPprAx3OI4bnoZgQ>

Appendix 3 Formal Complaints Acknowledgement Letter Template

Dear XXXXXX

Thank you for your letter of complaint, which we received on (date).

We are so sorry that you have had reason to complain, and can assure you we will urgently look into the issues that you have raised.

It is our understanding that you are concerned about the following:

1. XXXXXXXXXXXXXXXXXXXXXXXXXX
2. XXXXXXXXXXXXXXXXXXXXXXXXXX
3. XXXXXXXXXXXXXXXXXXXXXXXXXX
4. etc

If you are of the view that we have misinterpreted your concerns, or have missed any key issues above, please don't hesitate to let us know as soon as possible.

Your complaint will be investigated by (name and role), and we will endeavour to give you a final response on or before (include final response date here- 25 working days from receipt of complaint).

If, for any reason we anticipate a delay in us responding to you, we will communicate this, the reason for the delay, and the date we anticipate providing you with a full response, with you in writing.

Thank you again, for bringing your concerns to our attention.

Yours Sincerely

(Name)

(Role)

Appendix 4 Formal Complaints Final Response Letter Template

Dear XXXXXX

Thank you for your letter of complaint, which we received on (date). Following our subsequent written communications with yourself, on (put date of acknowledgement letter and any subsequent comms here), we are now in a position to provide you with a full response.

As stated in our previous correspondence, we are so sorry that you have had reason to complain. We assure you we have looked into the issues that you have raised, and respond as follows:

(Put the numbered list of concerns that you included in the acknowledgement letter here, and respond to each one in turn, providing apologies where necessary. Please also detail whether each aspect of the complaint is being 'upheld' or 'not upheld').

Thank you again, for bringing your concerns to our attention. Your views are very important to us, and help us to improve the services we provide.

We do hope you are satisfied with the response we have provided. However, if this is not the case please don't hesitate to let us know, so we can explore this with you further, and if it would be helpful for you, arrange a panel review.

Please note, if, after this, once your complaint has been fully dealt with by Kisimul Group, if you remain dissatisfied with the outcome, you can refer your complaint to the Local Government and Social Care Ombudsman (LGSCO) and ask for it to be reviewed. The LGSCO provides a free, independent service.

The LGSCO Intake Team can be contacted for information and advice, or to register your complaint via:

T: 0300 061 0614

W: www.lgo.org.uk/adult-social-care/

Or write to: The Local Government and Social Care Ombudsman, PO Box 4771, Coventry CV4 0EH

Please note that the LGSCO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.

Yours Sincerely

(Name)

(Role)

Document equality impact assessment – part A

Document Title		OPED07 Complaints Procedure	
Name of person completing equality impact assessment:			
Date equality impact assessment completed:			
Characteristics	Impact		Equality Impact Assessment form completed?
	Yes	No	
Age			
Disability			
Ethnicity			
Gender			
Religion or belief			
Sexual orientation			
Socio-economic			
Gender Reassignment			
Maternity/Pregnancy			
Marriage/Civil Partnership			

Equality target group	a) Positive impact		b) Negative impact		Reason/comment
	High	Low	High	Low	

Document equality impact assessment – part B

What is the main purpose or aims of the policy	
Who will be the beneficiaries of this policy?	
Has the policy been explained to those it might affect directly or indirectly?	
Have you consulted on this policy?	
What are the expected outcomes of this policy?	
Name of person completing equality impact assessment:	

Document change log

The document change log acts as a register of all authorised changes made to this document.

Changes will not be made unless authorised by the document owner.

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Accessible Complaints leaflet added	N Cooper	October 2023