



**Review Sheet**

Last Reviewed 29 Jul '22	Last Amended 29 Jul '22	Next Planned Review in 12 months, or sooner as required.
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Business impact	<p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p> <p><b>MEDIUM IMPACT</b></p>
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Reason for this review	Scheduled review
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Were changes made?	Yes
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Summary:	This policy highlights the processes staff must follow when receiving a complaint as well as a suggestion or compliment in relation to the service. It has been reviewed with minor updates made in relation to UK GDPR which has been added to the legislation section and procedural point 5.4. Reference to the integrated care systems has also been added which now replaces clinical commissioning groups. Other minor wording updates have taken place and references have been checked to ensure they remain current.
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Relevant legislation:	<ul style="list-style-type: none"> <li>• Compensations Act 2006</li> <li>• The Care Act 2014</li> <li>• The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014</li> <li>• Human Rights Act 1998</li> <li>• The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</li> <li>• Mental Capacity Act 2005</li> <li>• Mental Capacity Act Code of Practice</li> <li>• Data Protection Act 2018</li> <li>• UK GDPR</li> </ul>
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Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> <li>• Author: Local Government and Social Care Ombudsman, (2018), <i>Adult social care guides launched to help providers deal with complaints better</i>. [Online] Available from: <a href="https://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better">https://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better</a> [Accessed: 29/7/2022]</li> <li>• Author: NICE, (2018), <i>Decision-making and mental capacity - Guidelines NG108</i>. [Online] Available from: <a href="https://www.nice.org.uk/guidance/ng108">https://www.nice.org.uk/guidance/ng108</a> [Accessed: 29/7/2022]</li> <li>• Author: Legislation.gov.uk, (2009), <i>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</i>. [Online] Available from: <a href="https://www.legislation.gov.uk/uksi/2009/309/contents/made?view=plain">https://www.legislation.gov.uk/uksi/2009/309/contents/made?view=plain</a> [Accessed: 29/7/2022]</li> <li>• Author: Parliamentary and health service ombudsman, (2022), <i>What to do before you come to us</i>. [Online] Available from: <a href="https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us">https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us</a> [Accessed: 29/7/2022]</li> <li>• Author: Local Government and Social Care Ombudsman, (2018), <i>Acting on compliments, feedback and complaints about adult social care - a good practice guide for adult social care practitioners</i>. [Online] Available from: <a href="https://www.lgo.org.uk/assets/attach/4355/Single%20comms%20-%20v2.pdf">https://www.lgo.org.uk/assets/attach/4355/Single%20comms%20-%20v2.pdf</a> [Accessed: 29/7/2022]</li> </ul>
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Suggested action:	<ul style="list-style-type: none"> <li>• Encourage sharing the policy through the use of the QCS App</li> </ul>
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Equality Impact Assessment:	QCS have undertaken an equality analysis during the review of this policy. This statement is a written record that demonstrates that we have shown due regard to the need to eliminate unlawful discrimination, advance equality of opportunity and foster good relations with respect to the characteristics protected by equality law.
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## 1. Purpose

1.1 To ensure that Henry Nihill House has an effective system in place to manage complaints, suggestions and compliments.

1.2 To ensure that Henry Nihill House complies with any legal requirements, regulations, guidelines and best practice.

1.3 To support Henry Nihill House in meeting the following Key Lines of Enquiry:

Key Question	Key Lines of Enquiry
CARING	C2: How does the service support people to express their views and be actively involved in making decisions about their care, support and treatment as far as possible?
RESPONSIVE	R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care?
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?

1.4 To meet the legal requirements of the regulated activities that {Henry Nihill House} 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
- UK GDPR



## 2. Scope

2.1 The following roles may be affected by this policy:

- All staff

2.2 The following Service Users may be affected by this policy:

- Service Users

2.3 The following stakeholders may be affected by this policy:

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



### 3. Objectives

- 3.1 To improve the quality of the Service User's experience.
- 3.2 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.



### 4. Policy

#### 4.1 Complaints

- Henry Nihill House understands complaints to be an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by any Service User, their family or advocate acting on their behalf, with their consent or in their best interests
- Henry Nihill House 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 Henry Nihill House will achieve this. The detail of how Henry Nihill House will do this will be found in the associated procedures
- Henry Nihill House will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions
- Complaints made or concerns raised by staff will be addressed via the grievance process if the complaint or concern relates to them individually, or via the Whistleblowing procedure where a protected disclosure is made
- Henry Nihill House understands its statutory obligations in respect of the Duty of Candour and will ensure it follows the agreed policy and procedure

4.2 Henry Nihill House will ensure that its complaints and compliments process 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 reprisal and will be treated with courtesy, respect and compassion. Henry Nihill House will ensure that the process for how to make a complaint and the feedback given to the complainant are provided in a way that meets the Accessible Information Standard and are in a format that the Service User can understand.

#### 4.3 Seeking Views and Engaging with Service Users

Henry Nihill House will seek out opportunities to obtain feedback from Service Users and stakeholders. Henry Nihill House will act with sensitivity, integrity and professionalism by treating individuals who do complain or make a suggestion with compassion, courtesy and respect. Henry Nihill House will protect the Service User's right to confidentiality. Henry Nihill House 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 roles and responsibilities.

4.4 Henry Nihill House understands that it can be difficult to separate a complaint from a concern and, therefore, Henry Nihill House will follow this policy when there is any dissatisfaction with the service.

4.5 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 will be reported in line with contractual or regulatory requirements.

#### 4.6 Safeguarding Concerns

Where a complaint or concern is raised that relates to a Service User being harmed or likely to be harmed, Henry Nihill House will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Barnet Safeguarding Adults Team and escalating concerns in line with Barnet procedure. Henry Nihill House will also notify the CQC in line with its statutory duty.

#### 4.7 Roles and Responsibilities

##### All Staff

It is acknowledged that all staff working within Henry Nihill House 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 Catherine Palmer informed of the feedback. Failing to do this may result in a complaint
- Be clearly advised that, when presented with a complaint, swift escalation to management is necessary and that purposefully withholding or concealing concerns expressed by Service Users or their representatives may lead to disciplinary action

##### Management Team at Henry Nihill House

- The management team at Henry Nihill House is responsible for ensuring compliance with this policy, regulations, improvement planning and for having arrangements in place to provide relevant reports and information regarding complaints
- Catherine Palmer is the main point of contact for the receipt, investigation and management of complaints within Henry Nihill House. However, this may be delegated to a senior member of staff within Henry Nihill House who holds the experience, knowledge and competence to investigate and manage complaints
- Henry Nihill House will ensure the procedure for raising a complaint is accessible and displayed prominently in Henry Nihill House, on the website of Henry Nihill House and in Service User information and guides. Alternative languages and formats will be available on request

#### 4.8 Compliments and Suggestions

Henry Nihill House welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of its service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Service Users to support service development and improvement. We will share feedback with our staff.

#### 4.9 One Complaint, One Response

Henry Nihill House will follow the [Local Government and Social Care Ombudsman best practice](#) and, where Service Users are receiving services from more than one organisation, it will ensure they can make a complaint to anyone and be provided with a single response following a joint investigation.



## 5. Procedure

### 5.1 Raising Complaints

A complaint can be received by Henry Nihill House 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

Henry Nihill House 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.

### 5.2 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.

### 5.3 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. Henry Nihill House 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 focused 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, Henry Nihill House will support the complainant to access further support (refer to section 5.6)

#### 5.4 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 Barnet, 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, in line with UK GDPR and data protection law.

#### 5.5 Investigations

All investigations will be managed by using the following approach:

- Investigating the fact
- Assessing evidence
- Review of records
- Interviewing those involved

Where necessary, advice and support 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 against staff within Henry Nihill House, the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to the disciplinary process, but the details of the outcome or ongoing investigation will remain confidential.

#### 5.6 Unresolved Complaints

There are many bodies that can support with, or will need to be informed of, unresolved complaints and it is important to note that, due to the current coronavirus pandemic, helpline opening times and ways of communicating may vary across each organisation:

##### 1. The Care Quality Commission

The Care Quality Commission will not investigate complaints on behalf of individuals but does like to be informed of any concerns regarding a care provider, such as poor care that has been seen or experienced. Information given to the CQC will help to prevent others from going through the same experience and can be fed back via:

- Website [www.cqc.org.uk](http://www.cqc.org.uk)
- Email [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)
- Address: Care Quality Commission (CQC)  
National Correspondence  
Citygate, Gallowgate  
Newcastle upon Tyne NE1 4PA  
Tel: 03000 616161  
Fax: 03000 616171



## 2. 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 with 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 Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614

Email: [advice@lgo.org.uk](mailto:advice@lgo.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.

## 3. Parliamentary and Health Service Ombudsman (for Service Users 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 make contact via:

- Telephone 0345 0154033
- Email [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)
- Website [www.ombudsman.org.uk](http://www.ombudsman.org.uk)
- Address: Parliamentary and Health Service Ombudsman, Millbank Tower, 30 Millbank, Westminster, London, SW1P 4QP

Catherine Palmer can also signpost individuals to Healthwatch and the local Independent Complaints Advocacy Service (ICAS).

## 4. Integrated Care Systems

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 contact details can be located [here](#).

## 5. 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:

Barnet Social Care direct

## 6. Professional Bodies

If a complaint involves the serious misconduct of a healthcare 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, Henry Nihill House will work with the external body providing information as requested, within any agreed timescales expected.

## 5.7 Compliments

Receiving compliments is an opportunity to celebrate and recognise success. Henry Nihill House will ensure that:

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

## 5.8 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 meetings or as part of a conversation, these will be documented and



then outcomes of such suggestions recorded to show consideration

- Staff will be encouraged to share their suggestions, or suggestions received by relatives and Service Users, with Catherine Palmer
- Catherine Palmer will consider implementing a suggestions system to encourage comments from Service Users, staff and visitors

### 5.9 Audit and Evaluation

Henry Nihill House will monitor, review and analyse all information received about the service as a means of continuously reviewing performance, quality and safety.

Henry Nihill House will also:

- Share themes and trends with Care Workers working for Henry Nihill House
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

### 5.10 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.

### 5.11 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 Henry Nihill House 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 Henry Nihill House is not responsible for the care or service complained about, rather than turning the complainant away, Henry Nihill House will share the concerns with the correct organisation(s). It will be necessary to obtain the individual's permission to do this. If the person prefers that their complaint is not shared with another organisation (or organisations), Henry Nihill House will signpost them to the right organisation instead and provide the person with their contact details.

Henry Nihill House will follow [LGO guidance](#) for managing this.

**5.12** All efforts will be made by Catherine Palmer to resolve all complaints within Henry Nihill House. If a Service User does not wish to raise a complaint directly to management within Henry Nihill House, in the first instance, staff will try and sensitively establish their reasons why and aim to resolve and address any concerns that present.

Decisions to raise complaints outside of Henry Nihill House will be fully respected and the Service User will be supported to raise their complaint with the commissioner of the service or to seek the support of an independent advocate or representative. Staff can also refer to section 5.6 for a further list of organisations that can be accessed.

Service Users can also be signposted to [Citizens advice guidance](#).

### 5.13 Vexatious Complaints

Occasionally, Henry Nihill House may receive complaints that are vexatious in that they cause considerable disruption to the work at Henry Nihill House, disproportionate cost and time to handle, and impact the wellbeing of staff (because of the way the complaint is made or because of its repetitive nature).

Henry Nihill House will ensure that it meets the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled Service Users. In some circumstances, Service Users may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, Henry Nihill House will consider the needs and circumstances of the Service User or complainant in the first instance and use this information to inform any decisions that are made.

Where appropriate, Henry Nihill House will consider complaints to be vexatious, but would not label an individual complainant as vexatious. Even if Henry Nihill House decides that an individual's complaint about the service is vexatious, that does not preclude that person from making a formal complaint. Henry Nihill House would still consider any such complaints in line with the usual procedures, as outlined in this policy. To help decide whether a complaint is vexatious Henry Nihill House will consider the full history and context of interactions with the individual making the complaint, and will look at both the nature of the complaint and the manner in which it is made. The particular issues that will inform a decision will include whether:

- The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise Henry Nihill House, its staff or an individual member of staff
- The primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt



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and or/pressurise the Henry Nihill House, its staff or an individual member of staff

- The complaint is otherwise clearly unreasonable

If at any point in the handling of a complaint a member of staff believes it meets the criteria to be deemed vexatious, it must be referred to the Registered Manager with a summary of why it is thought to be vexatious.

Catherine Palmer will consider the complaint, seek external advice if appropriate, and will either declare the complaint as being vexatious or not. Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.

If a complaint is deemed to be vexatious, the Registered Manager will respond directly to the complainant explaining why it is thought to be so and will explain that the complaint will be closed with no further action. The Registered Manager will also consider if the making of a vexatious complaint also requires the application of a restriction on communication following unreasonable behaviour.

The decision to declare a complaint as vexatious will be recorded in the complaints register for future reference.

Any declaration that refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.

If any individual wishes to challenge a decision made in relation to this policy, and all attempts to resolve the complaint locally have been unsuccessful, details of the Complaints Team of Barnet and Parliamentary and Health Service Ombudsman (PHSO) will be shared with the complainant.



## 6. Definitions

### 6.1 Compliment

- A compliment is an expression of satisfaction about a service the Service User has received
- Compliments are positive feedback that can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

### 6.2 Complaint

- A complaint is an expression of dissatisfaction, disappointment or discontent. This could be in response to an act of omission, decision or act
- Complaints can be made in various ways and include:
  - Verbally
  - Electronically
  - Local feedback channels
  - Writing

### 6.3 Self-Funded Care

- Self-funded care is defined as care that is paid for entirely by the person receiving it

### 6.4 Vexatious Complaint

- A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted