



COMPLAINTS/CONCERNS AND COMPLIMENTS POLICY

Implementation Date	October 2005
Review Date	October 2024
Intended Review Date	October 2025
Policy Agreed by	Senior Management Team
Signed (Chief Executive)	

COMPLAINTS

Policy Statement

This policy is intended to comply with Regulation 16 of the Fundamental Standard Regulations.

Midland Mencap accepts the rights of all individuals to make complaints and to register comments and concerns about the services received. It further accepts that they should find it easy to do so. It welcomes complaints, concerns and compliments, seeing them as opportunities to learn, adapt, improve and provide better services.

The Policy

This policy is intended to ensure that complaints, concerns and compliments are dealt with properly and that all complaints or comments by Citizens and their relatives, carers and advocates are taken seriously. It is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. This organisation believes that failure to listen to or acknowledge complaints concerns and compliments leads to an aggravation of problems, Citizen dissatisfaction and possible litigation. The organisation supports the idea that most complaints if dealt with early, openly and honestly can be sorted at a local level between just the complainant and the organisation. The complaints procedure is made available to Citizen and families in their Citizen Guide. A copy is always kept in their personal file within their homes and available in a format that can be understood.

ADASS have published a Good Practice Guide on handling complaints concerning Adults and Children in Social Care settings. They have identified the following five principles:

- Principle one: ensure that the complaints process is accessible
- Principle two: ensure that the complaints process is straightforward for service users and their representatives
- Principle three: ensure that appropriate systems are in place to keep service users informed throughout the complaints process
- Principle four: ensure that the complaints process is resolution focused
- Principle five: ensure that quality assurance processes are in place to enable organisational learning and service improvement from complaints and customer feedback

Aim of the Complaints Procedure

We aim to ensure that the complaints procedure is properly and effectively implemented, and that citizens feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

Specifically we aim to ensure that:

- Citizens, carers and their representatives are aware of how to complain and that the organisation provides easy to use opportunities for them to register their complaints
- A named person will be responsible for the administration of the procedure
- Every written complaint is acknowledged within 5 working days
- All complaints are investigated within 15 working days of being made
- All complaints are responded to in writing within 28 days of being made
- Complaints are dealt with promptly, fairly and sensitively, with due regard to the upset and worry that they can cause to both service users and staff.

Responsibilities

The Manager is responsible for following through complaints.

Definition of a complaint

A complaint is a report to Midland Mencap either by:

- Letter,
- Telephone,
- Visit to the office
- Visit to speak with a member of staff at a project.

Midland Mencap considers complaints resulting from a particular service we have responsibility for which is not considered to be delivered e.g.

- Failure to achieve standards or quality of service.
- Failing to respond to initial enquiries.
- Failure to fulfil statutory or contractual responsibilities.
- A request for a repair which has not been undertaken.
- Unhelpful or discourteous staff
- Contractor attitude and complaints against individual contractors.

What is not a Complaint

An initial enquiry or request for action will not be regarded as a complaint. However, if following this contact Midland Mencap fails to fulfil the agreed action, any subsequent contact could be regarded as a complaint.

A complaint can only relate to a service Midland Mencap presently provides. It does not relate to requests for new services, or services currently not in operation.

Complaints Procedure

Verbal complaints

- The organisation accepts that all verbal complaints, no matter how seemingly unimportant, must be taken seriously.
- Front-line staff who receive a verbal complaint are expected to seek to solve the problem immediately.

- If they cannot solve the problem immediately, they should offer to get their line manager to deal with the problem.
- Staff are expected to remain polite, courteous, sympathetic and professional to the complainant. They are taught that there is nothing to be gained by adopting a defensive or aggressive attitude.
- At all times in responding to the complaint, staff are encouraged to remain calm and respectful.
- Staff should not, make excuses or blame other staff.
- If the complaint is being made on behalf of the Citizen by another person, it must first be verified that the person has permission to speak for the citizen, especially if confidential information is involved. (It is very easy to assume that another person has the right or power to act for the Citizen when they may not). If in doubt it should be assumed that the citizen's explicit permission is needed prior to discussing the complaint with the other person.
- After discussing the problem, the manager or member of staff dealing with the complaint will suggest a means of resolving it. If this course of action is acceptable then the member of staff should 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. The complainant should be given a copy of the company's complaints procedure if they do not already have one.
- Details of all verbal and written complaints must be recorded in the complaints log, the service users.

Serious or written complaints

- **Preliminary steps:**
 - When we receive a written complaint it is passed to the designated lead manager, who records it in the complaints log and sends an acknowledgment letter within 5 working days to the complainant.
 - The manager also includes the policy detailing the organisation's procedure for the complainant.
 - If necessary, further details are obtained from the complainant; if the complaint is not made by the Citizen but on the Citizen's behalf, then consent of the Citizen, preferably in writing, must be obtained from the complainant where required.
 - If the complaint raises potentially serious matters, advice could be sought from a legal advisor. If legal action is taken at this stage, any investigation by the organisation under the complaints procedure ceases immediately.
- **Investigation of the complaint by the organisation:**
 - Immediately on receipt of the complaint, the complaints manager will start an investigation and within 15 working days should be in a

position 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 for the investigation to be completed within 28 days, the complainant will be informed of any delays.

- **Meeting:**

- If a meeting is arranged, the complainant will be advised that they may, if so desired, bring a friend, relative or a representative such as an advocate
- At the meeting a detailed explanation of the results of the investigation will be given, in addition to an apology if deemed appropriate (an apology is not necessarily an admission of liability)
- Such a meeting gives the management the opportunity to show the complainant that the matter has been taken seriously and investigated thoroughly.

- **Follow-up action:**

- After the meeting, or if the complainant does not want a meeting, a written account of the investigation will be sent to the complainant.
- The outcomes of the investigation and the meeting are recorded in the complaints log, and any shortcomings in company procedures will be identified and acted upon.
- The company management formally reviews all complaints at least every six months as part of its quality monitoring and improvement procedures to identify the lessons learned.

Vexatious Complainers

This organisation takes seriously any comments or complaints regarding its service. However, there are Citizens who can be treated as “vexatious complainers” due to the inability of the organisation to meet the outcomes of the complaints, which are never resolved. In such circumstances the complaint will be passed to the company’s legal representative to determine a formal written response.

Accessibility

Policies and procedures are available in accessible formats, well publicised, readily available and accessible to individuals using the service, their families, significant others, visitors, staff and others working at the service.

Local Government Ombudsman (LGO)

Since October 2010 the Local Government Ombudsman (LGO) can consider complaints from people who arrange or fund their own adult social care. This is in addition to complaints about care arranged and funded by local authorities, which the LGO has dealt with for more than 35 years.

The LGO’s new role includes those who “self-fund” from their own resources or have a personalised budget. It will ensure that everyone has access to the same

independent ombudsman service, regardless of how the care service is funded. In most cases they will only consider a complaint once the care provider has been given reasonable opportunity to deal with the situation. It is a free service. Their job is to investigate complaints in a fair and independent way; they are not biased and do not champion complaints; they are independent of politicians, local authorities, government department, advocacy and campaigning groups, the care industry, and the CQC; they are not a regulator and do not inspect care providers.

The LGO is fully independent of the CQC. They deal with individual injustices that people have suffered and the CQC will refer all such complaints to them. The CQC deals with complaints about registered services as a whole and does not consider individual matters. They can share information with the CQC but only when deemed appropriate. The CQC will redirect individual complaints to the LGO, and the LGO will inform CQC about outcomes that point to regulatory failures.

Local Authority-funded Service Users

Any Citizen part or wholly funded by their Local Authority can complain directly to the complaints manager (Adults) who is employed directly via the Local Authority.

Relevant Contacts:

Citizens Advice Bureau

Ground Floor
Gazette Buildings
168 Corporation Street
Birmingham
B4 6TF

Advice Line: 0344 477 1010

Email: enquiries@bcabs.cabnet.org.uk



Birmingham Advocacy Hub

PO Box 17943
Birmingham
B9 9PB

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net



Our Domiciliary Care and CERS are registered with the Care Quality Commission (CQC) which is responsible for inspecting our services to ensure they meet with Government Standards. The local CQC Commission Office is:-

Care Quality Commission
CQC National Correspondence
Citygate
Gallowgate



NE1 4PA
Telephone: 03000 616161
Email: enquiries@cqc.org.uk

Our Children and Young People's service is regulated by:

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



You can also contact:

Birmingham City Council

Adult Social Care Services and Support
Telephone: 0121 303 1234
Email: CSAdultSocialCare@birmingham.gov.uk

Children's Services
Telephone: 0121 303 1888
Email: cass@birminghamchildrenstrust.co.uk

Out of Hours Service

Adult Services: 0121 675 4806
Children's Services: 0121 675 4806

These service are available outside of normal office hours

Related Policies

All Midland Mencap Policy's

CQC Regulation 16: Receiving and acting on complaints:
Resources and guidance for Social Care providers:
<https://www.lgo.org.uk/adult-social-care/resources-for-care-providers>

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-16-receiving-acting-complaints>

CQC Complaints Matter:

https://www.cqc.org.uk/sites/default/files/20141208_complaints_matter_report.pdf

CQC Regulation 20: Duty of Candour:

<https://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-20-duty-candour>

Local Government and Social Care Ombudsman: How to Complain:

<https://www.lgo.org.uk/make-a-complaint>

Training Statement

All staff, during induction are made aware of the organisations policies and procedures, all of which are used for training updates. All policies and procedures are reviewed and amended where necessary and staff are made aware of any changes. Observations are undertaken to check skills and competencies. Various methods of training are used, individual supervisions and external courses are sourced as required.

How to make a Compliment, Concern or Complaint



Head Office
Pinewood
Bell Heath Way
Woodgate Business Park
Birmingham
B32 3BZ

Tel: 0121 442 2944

Compliments, Concerns and Complaints Procedure

Your views are very important to us. We want to give you the best service we can. You can help us by telling us what you think.



You might want to tell us about good things we have done. We call this **making a compliment**.

If you are sad or if someone has upset you, then you can talk to a member of staff. We call this **making a concern**. They will try and help you so that you feel happy again. If you still feel unhappy then you can talk to a Manager. The Manager will try and help you.



If you are still unhappy about any of our services after this, we would like you to tell us. We call this **making a complaint**.

If you would like help to make a complaint, you can ask staff to support you, you could also ask a friend, advocate or a member of your family to help you. You can make a complaint by completing the 'Compliments, Concerns or Complaints' form at the end of this booklet.



Once we have received your 'Compliments, Concerns or Complaints' form we will send you a letter to let you know we have received it. We will then give you a response to your 'Compliments, Concerns or Complaints' form within 15 working days, the response will hopefully resolve your complaint.

**15
days**



How to make a Formal Complaint

- Get a friend or advocate to help you
- Telephone Midland Mencap on
0121 442 2944
- Write a letter or send the 'Compliments, Concerns or Complaints' form at the back of this leaflet.



What happens next?

- Your card or letter will go to Midland Mencap
- Someone will come and talk to you
- You will be told what has happened within 15 working days, if we can. If we can't we will tell you why.



**15
days**

If you are not happy with what has happened to your complaint what can you do?

You can ask for a **review**



What is a review?

A review is where a small group of people will sit and talk about your complaint. The Manager would also be at the



review.

You can be at the review if you wish. If you don't want to go an advocate or friend can go. You can also go with your advocate.

An advocate is someone who will make sure everyone knows what you feel. They also stick up for you.

After the review you will hear within 28 days the result of your complaint.

It is good to speak up. But...

If you are still not happy you can contact the **ombudsman**. This is a person who can help.



The Local Government Ombudsman

Advice Team
PO Box 4771
Coventry
CV4 0EH

Local Government &
Social Care
OMBUDSMAN

Telephone: 0300 061 0614

Website: www.lgo.org.uk

Email: advice@lgo.org.uk

Or, you can text 'call back' to 07624 804323

Are you thinking?

- Nobody will listen to me....
- I'm scared to complain...
- It might get me into trouble...



These are your Rights

- To tell us what you think
- To be listened to
- To ask someone to help you to tell us
- You will NOT get into trouble



You have Rights!

- If you tell someone you are not happy and want something changed this is a **concern**
- If you are still unhappy and feel nothing has been done about your concern, this is a **complaint**
- If you tell someone something is good, this is a **compliment**.



You can make a compliment, concern or complaint by using the form at the end of this leaflet

You can also contact other organisations for support such as the following:

Citizens Advice Bureau

Ground Floor
Gazette Buildings
168 Corporation Street
Birmingham
B4 6TF

Advice Line: 0344 477 1010

Email: enquiries@bcabs.cabnet.org.uk



Birmingham Advocacy Hub

PO Box 17943
Birmingham
B9 9PB

Telephone: 0300 456 2370

Text: send the word 'pohwer' with your name and number to 81025

Email: pohwer@pohwer.net



Our Domiciliary Care and CERS have contracts with Birmingham City Council and you can access the councils comment's, compliments and complaints procedure via the website below. We are registered with the Care Quality Commission (CQC) which is responsible for inspecting our services to ensure they meet with Government Standards. Details below-

Birmingham City Council

<http://www.birmingham.gov.uk/Adultcustomer care>



Care Quality Commission

CQC National Correspondence
Citygate
Gallowgate
NE1 4PA

Telephone: 03000 616161

Email: enquiries@cqc.org.uk



Our Supporting People Service (Tenancy Support) is regulated by:

Supporting People Team

Birmingham City Council
PO Box 16228
Birmingham
B2 2WR

Telephone: 0121 303 6138

Email: supportingpeople@birmingham.gov.uk



Our Children and Young People's service is regulated by:

OFSTED

OFSTED National Business Unit

Piccadilly Gate

Store Street

Manchester

M1 2WD

Telephone: 0300 123 1231

Email: enquiries@ofsted.gov.uk





Everyone who uses health and social care services has the right to expect a high standard. In order to help us achieve these standards, we need your help. That's why Healthwatch Birmingham actively encourage and welcome your feedback.

They will summarise your feedback and provide it to us, so that we can get a clear picture of your experiences when using our services. This will help us encourage and reward good practice, as well as identify and rectify any problems you may encounter. Your voice really could make a difference.

If you use our service on more than one occasion you can leave feedback each time. Healthwatch Birmingham will ask you for a little information about yourself when you leave a review, but if you prefer you can leave a review anonymously.

You can submit a review by visiting Healthwatch Birmingham's website at healthwatchbirmingham.co.uk

Once on the website you can search for our services by typing 'Midland Mencap' in the search box. This will then bring up our details, click on our name and then click on the 'Leave Feedback' section. Once completed you will then receive an email to authenticate your email address, your feedback will then be moderated by the team at Healthwatch Birmingham.

Please do not use this feedback service to make a formal complaint as we have no way of responding to this. Should you be unhappy and wish to complain about anything then please follow our details on making a complaint within this information guide.

If you do not have access to the internet you can contact Healthwatch Birmingham via 0800 652 5278

Compliments, Concerns or Complaints Form

This is: (Please tick boxes where appropriate)

A compliment

☐

A concern

☐

A complaint

☐

Your name:

Your address and postcode:

Phone number:

Email address:

How would you like us to contact you?

☐

Phone

☐

Letter

☐

Email

Your signature:

Date:

Which service within Midland Mencap does your compliment, concern or complaint relate to:

My compliment, concern or complaint is about:

Thank you for filling in this form. Please send it to us at

Midland Mencap
Pinewood
Bell Heath Way
Woodgate Business Park
Birmingham, B32 3BZ