



Compliments, Concerns and Complaints Policy and Procedure

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Other Relevant Policies:	
<ul style="list-style-type: none"> • Safeguarding Adults and Children at Risk Policy • Serious Incident Reporting Policy • Whistleblowing Policy 	

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1. Scope and Purpose of the Policy

- 1.1. This policy applies to all areas of Ategi and we are committed to providing high quality services in an open transparent and accountable way that builds trust and respect (see section 12 Duty of Candour).
- 1.2. The trustees, managers, staff and Shared Lives carers at Ategi will treat all people we support, their families or people acting on their behalf and our Shared Lives carers with courtesy and respect. We will respect your right to privacy and confidentiality.
- 1.3. One of the ways in which we continue to improve our services is by listening and responding to the views of the people we support, their families and our Shared Lives carers, in particular by responding positively to complaints, and by putting mistakes right.
- 1.4. We aim to ensure that:
 - giving a compliment, raising a concern or making a complaint is as easy as possible
 - we welcome compliments, feedback and suggestions
 - we treat a complaint as a clear expression of dissatisfaction with our service which calls for an immediate response
 - we deal with it promptly, politely and, when appropriate, confidentially
 - we respond in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc.
 - we learn from complaints, use them to improve our services, and review annually our complaints policy and procedures
- 1.5. Compliments are valuable, welcome and important and when they are received, either verbally or in writing, they will be recorded. Compliments enable us to:

- understand that our services are being provided to the satisfaction of the people we support and their families
- provide positive feedback to our staff and Shared Lives carers
- influence our organisational and service development
- inform our continuous quality assurance programme

1.6. We recognise that many concerns will be raised informally, and dealt with quickly. Our aim is to:

- resolve informal concerns quickly
- keep matters low-key
- enable mediation between the complainant and the individual to whom the complaint has been referred

1.7. This policy ensures that we welcome compliments and provides guidelines for dealing with complaints from any of the people we support, their families or members of the public about our services, staff or Shared Lives carers.

2. Definitions

2.1. A compliment is an expression of satisfaction about the standard of service we provide.

2.2. A concern may be defined as an expression of worry or doubt over an issue considered to be important by a person we support or their family for which reassurances are sought.

2.3. A complaint is defined as any expression of dissatisfaction; however, it is expressed. This would include complaints expressed face to face, via a telephone call, in writing, via email or any other method. All staff and Shared Lives carers will have sufficient knowledge to be able to identify an “expression of dissatisfaction” even when the word “complain” or “complaint” is not used.

3. Roles and Responsibilities

- 3.1. Trustees: Trustees have overall responsibility for this policy and for ensuring appropriate strategic management oversight and that support is provided for each compliment, concern and complaint received.
- 3.2. Chief Executive Officer: the CEO is registered with CQC and CIW as the 'Nominated/Responsible Individual' and is recognised as the 'Registered Person' in relation to the duty of candour.
- 3.3. Senior Leadership Team (SLT): the SLT have responsibility for ensuring compliments and complaints are handled according to this policy and procedures.
- 3.4. Head of Services: the Head of Services as delegated by the CEO, is responsible for investigating complaints at Stage 3 and identifying and taking action to address issues and monitor progress to the point of closure of the complaint.
- 3.5. Locality Managers: all Locality Managers as delegated by the CEO are responsible for investigating complaints at Stage 2 and identifying and taking action to address issues to the point of closure of this stage.
- 3.6. Staff and Shared Lives Carers are responsible for:
 - Signposting people supported, their families or members of the public who wish to submit a compliment, concern or complaint to this policy and procedure.
 - Identifying and communicating compliments, concerns, problems, potential problems or concerns to the Locality Manager

4. Confidentiality

- 4.1. Except in exceptional circumstances, every attempt will be made to ensure that both the complainant and Ategi maintain confidentiality. However, the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality (with each complaint judged on its own facts). Should this be the case, the situation will be explained to the complainant.

5. What is not covered by this policy & procedure

5.1. There are certain matters that we do not deal with through this policy and procedure. These are:

- Matters likely to require a Safeguarding investigation
- Something that a complainant knew about more than 12 months before it was raised with us
- Complaints that have previously been dealt with through all stages of the complaints procedure identified in this policy
- Requests for information under the Freedom of Information Act (2000) or the General Data Protection Regulation (2018)
- Whistleblowing
- Staff grievance or disciplinary matters; these matters should be dealt with through the relevant HR Grievance and Disciplinary Policies and Procedures

6. Anonymous Complaints

6.1. We will not normally investigate anonymous complaints. However, the Locality Manager or Head of Quality and Compliance, if appropriate, will determine whether the complaint warrants an investigation.

7. Compliments Procedure

7.1. All compliments received either verbally or in writing using the Compliments and Complaints Form ([Appendix A](#)) will be recorded in the company's internal compliments and complaints log.

7.2. All compliments will be acknowledged in writing and we will ensure any and all positive feedback is provided to the relevant member(s) of staff or Shared Lives carer(S).

8. Stage 1 – Informal

- 8.1. We will make every attempt to resolve a concern or complaint as close as possible to the point of service delivery and hope that they can be resolved informally by speaking directly to the staff member(s) involved or the Locality Manager.
- 8.2. Concerns or complaints may be received by any method and need not be in writing.
- 8.3. Verbal concerns will be recorded on a Concerns Recording form ([Appendix B](#)) and passed to the Locality Manager and the Head of Quality and Compliance.
- 8.4. Verbal complaints will be recorded on a Compliments and Complaints Form ([Appendix A](#)) and passed to the Locality Manager and the Head of Quality and Compliance.
- 8.5. The Locality Manager will advise the complainant of their right to complain at any time to:
 - Care Inspectorate Wales (CIW)
 - Care Quality Commission in England (CQC)
 - Local Authority or local Health Board that has arranged the service. Details of the complainant's local authority or health board will be shared with them when the concern is first raised.
- 8.6. The Locality Manager will advise the complainant of the availability of any advocacy services which they believe may be of assistance to the complainant. Where relevant and the complainant is a child, the member of staff or Locality Manager will advise the complainant that a local authority receiving the complaint must provide information and assistance for them and must, in particular, offer help in obtaining an advocate.
- 8.7. The Locality Manager will check at the outset, whether any allegation is being made of abuse to a child or an adult at risk. If this is the case, the investigation of the complaint will be suspended, and a referral made in line

with the Ategi Safeguarding Policy and Procedures and the relevant local authority procedures.

- 8.8. The Locality Manager will, as soon as reasonably practicable and in any event within 14 calendar days, seek to resolve the complaint. This time may be extended for up to a further 14 days with the agreement of the complainant.
- 8.9. In accordance with CIW, CQC or Local Authority or Health Authority that has arranged for the service Ategi will confirm the outcome of the complaint.
- 8.10. Where it has been possible to resolve the complaint at this informal stage the Locality Manager will write to the complainant with the following information:
- the outcome of the informal stage, including the decisions and any recommendations
 - reasons for the decisions and any recommendations
 - the right of the complainant if not satisfied to move to Stage 2 – Formal Complaint procedure
- 8.11. The complaint will be recorded in Ategi's internal compliments and complaints log. This will include all details, decisions and evidence about:
- the nature of the complaint
 - the desired outcome
 - how the investigation was carried out
 - the content of interviews undertaken
 - the outcome of the complaint
 - action taken in response
 - investigation time line

- 8.12. If the complaint cannot be resolved informally at Stage 1, the complainant will be advised that a formal complaint may be made and the following procedure should be explained to them including timescale for an investigation.
- 8.13. The complainant should be provided with the contact details to whom a written complaint should be sent. It may sometimes be appropriate for a different member of staff or Locality Manager to make this explanation.

9. Stage 2 – Formal

- 9.1. A formal complaint can be made either verbally or in writing. If verbally, a statement should be taken by the Locality Manager receiving the complaint. If in writing the Ategi Compliments and Complaints Form may be used if the complainant chooses to, either way the written complaint should be returned by email or post to the relevant Locality Manager ([Appendix A](#)).
- 9.2. In all cases, the complaint will be investigated by a Locality Manager who will acknowledge receipt of the complaint within 3 working days in writing (email or letter).
- 9.3. In the event of a complaint about the Locality Manager the complaint should be passed to the Head of Quality and Safeguarding, and if the complaint is about the Head of Services this must be passed on to the Chief Executive.
- 9.4. If any complaint received is outside the remit and/or the authority of the Locality Manager and/or is of a nature which may damage the reputation of the company the complaint will be referred directly to the CEO to investigate.
- 9.5. The Locality Manager will record the complaint in the internal compliments and complaints log.
- 9.6. The Locality Manager will investigate the complaint and identify the appropriate remedial action to be taken and persons responsible for such action.
- 9.7. Complaints that are dealt with via this Formal Stage 2 will be resolved as soon as practicable and in any event within 35 days of the request for

formal consideration. This time limit may be extended with the agreement of the complainant.

- 9.8. At this point in the procedure complainants will be advised that if at any time they wish to use the Local Authority Complaints procedure it would be necessary for them to start from stage two in the Local Authority procedure.
- 9.9. The outcome of the investigation will be confirmed in writing to the complainant; this will summarise the nature and substance of the complaint, the conclusions and action to be taken as a result.
- 9.10. Ategi will send a copy of the written response to a complaint to CIW or CQC and any contracting Local Authority or Health Authority for the service on request.
- 9.11. If the complainant remains dissatisfied with the outcome of the investigation, they can appeal in writing to the Head of Services within 10 working days asking for the complaint to be investigated at Stage 3.

10. Stage 3 – Appeal

- 10.1. The Head of Services will acknowledge receipt of the appeal within 5 working days and may, if necessary, contact the complainant to discuss and clarify their concerns. This may be by telephone, letter or more formally in a meeting.
- 10.2. The Head of Services will examine the complaint and may wish to carry out further interviews, examine records, notes etc. They will respond within 21 working days in writing of the outcome of the appeal stage. Their decision will be final.

11. Complaints made against a Shared Lives carer

- 11.1. Where a complaint is made against a Shared Lives carer, the following additional measures will apply and Ategi will:
 - 11.1.1. Where necessary, draw up an agreement for the Shared Lives carer to undertake action to rectify any identified problems within an agreed timescale

- 11.1.2. Monitor and support the Shared Lives carers progress on the required action and unless achieved within the timescale, present a report to the Shared Lives panel
- 11.1.3. Ensure the Shared Lives carer is aware of their right to appeal against any decision made by the independent Shared Lives panel against them and the procedure for making that appeal
- 11.1.4. Ensure the Shared Lives carer is aware of their right to complain about any aspect of the implementation of the complaint's procedure that they feel has been unfair and the procedure for making that complaint
- 11.1.5. Ensure that throughout the investigation of a complaint against a Shared Lives carer, we will continue to offer support to them by:
 - informing and advising them and the people we support and/or their representative of the investigation process and the timescales involved
 - continuing to provide contact with the Shared Lives carer's usual Co-ordinator and where this is not appropriate, with a replacement neutral Co-ordinator
 - encouraging the carer to seek additional guidance and support from Shared Lives Plus where applicable
 - Where a complaint is made against a Shared Lives carer and following conclusion of the investigation, we will hold an additional Shared Lives carer review. The review will be reported to the independent Shared Lives panel for information and any necessary action.

12. Withdrawal of Complaint

- 12.1. If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

13. Dissatisfied with the response to the complaint

13.1. In circumstances where a complaint is not able to be resolved through this policy and procedure the complainant may escalate the matter to the Public Services Ombudsman for Wales (for services in Wales) or the Local Government & Social Care Ombudsman in England (for services in England).

13.2. The Ombudsman is independent of all care providers and government bodies, and can look into a complaint if the complainant:

- has been treated unfairly or received a bad service through some failure on the part of the organisation providing it
- has been disadvantaged personally by a service failure

13.3. The Ombudsman expects complainants to bring concerns to the attention of Ategi first and to give Ategi a chance to get things right. Complainants can contact the Ombudsman as follows:

Wales

Telephone: 0300 790 0203
Email: ask@ombudsman-wales.org.uk
Website: www.ombudsman-wales.org.uk
Twitter: @OmbudsmanWales
In Writing: Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed, CF35 5LJ

England

Telephone: 0300 061 0614
Website: <https://www.lgo.org.uk/>
<https://www.lgo.org.uk/adult-social-care/how-we-can-help>
Twitter: @LGOOmbudsman
In Writing: LGO, 53-55 Butts Road, Coventry, CV1 3BH

13.4. Complainants can also ask Ategi for a copy of the Ombudsman booklet which provides more information about the role and how a complaint can be made.

14. Duplicate Complaints

14.1. After closing a complaint at the end of the complaint's procedure, the company may receive a duplicate complaint from:

- a parent/carer or other relative
- a colleague or fellow Shared Lives carer

14.2. The complaint will be considered and if it is established that the complaint is about the same subject and does not describe or include any new issue, instance or information, we will contact the new complainant and inform them that the company has already considered that complaint and the procedure is complete.

14.3. Should the complaint contain any new issues, instances or information the procedure noted in Section 9 will be followed.

14.4. We will advise the new complainant to contact the Ombudsman if they are dissatisfied with how Ategi has handled the original complaint.

15. Duty of Candour

15.1. The legislation and guidance noted below (paragraph 12.6) outlines the 'duty of candour' which requires registered providers and registered managers (known as 'registered persons') and those working in the social care profession to act in an open and transparent way with people receiving care or treatment from them. This is crucial in underpinning a safe, open and transparent culture.

15.2. A crucial part of the duty of candour is the apology. Apologising is not an admission of liability. To fulfil the duty of candour, staff and Shared Lives carers will apologise for the harm caused, regardless of fault, as well as being open and transparent about what has happened. Saying 'sorry' is:

- always the right thing to do
- not an admission of liability

- acknowledges that something could have gone better
- the first step to learning from what happened and preventing it recurring.

15.3. Ategi has a duty as a registered provider of social care services to ensure our services, practices and the conduct of our staff and Shared Lives carers do not fall below these standards; and that no action or omission on our part harms the well-being of individuals

15.4. A 'notifiable safety incident' is a specific term defined in the duty of candour. It should not be confused with other types of safety incidents or notifications. A notifiable safety incident means any unintended or unexpected incident that occurred in respect of an individual we Support during the provision of a regulated activity that, in the reasonable opinion of a health care professional –

15.4.1. appears to have resulted in:

- the death of a person we support, where the death relates directly to the incident rather than to the natural course of the persons illness or underlying condition,
- an impairment of the sensory, motor or intellectual functions of the person we support which has lasted, or is likely to last, for a continuous period of at least 28 days,
- changes to the structure of the person we support's body,
- the person we support experiencing prolonged pain or prolonged psychological harm, or
- the shortening of the life expectancy of the person we support; or

15.4.2. requires treatment by a health care professional in order to prevent—

- the death of the person we support, or
- any injury to the person we support which, if left untreated, would lead to one or more of the outcomes mentioned in sub-paragraph (a).

15.5. Ategi will act promptly as soon as a 'notifiable safety incident', has been discovered. The 'registered person' is responsible for carrying out, or delegating the responsibility for carrying out the duty, and they must liaise with the 'relevant person.'

15.6. The 'registered person' at Ategi is the CEO who will delegate carrying out the duty to either:

- a Director
- the Head of Services
- any other relevant Head of Department, or
- a Locality Manager, whichever is more appropriate.

The 'relevant person' is any person we support who was harmed or someone acting lawfully on their behalf.

15.7. Further information is available as follows:

- Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 20
- Social Services and Well-being (Wales) Act 2014
- Code of Professional Practice for Social Care (Wales)
- Openness and honesty when things go wrong: the professional duty of candour (Wales)
- Health and Social Care (Quality and Engagement) (Wales) Act, 2020 (to come into force spring 2023)

16. Publication

16.1. A copy of this policy and procedure is available on the Ategi website (www.ategi.org.uk) and an information leaflet will be provided to all Shared Lives carers and people we support as part of their induction to Ategi services.

17. Monitoring and Review

17.1. Ategi is committed to striving for excellence in the provision of all its services. We do this by actively monitoring and reviewing all our services

and systems. We use an electronic recording system to capture all relevant information, notes and data that supports the evidencing and monitoring of compliments, concerns and complaints.

17.2. This mechanism is a crucial and integral part of the monitoring and quality assurance systems which contributes to the management and governance of this policy and procedure.

17.3. The Board of Trustees will review this policy and procedure bi-annually.

18. Linked Policies and Procedures

18.1. This policy and procedures are linked to the following policies:

- Safeguarding Adults and Children at Risk Policy
- Serious Incident Reporting Policy
- Whistleblowing Policy

Appendix A
Ategi Compliments and Formal Complaints Form

Ategi Compliments and Formal Complaints Form	
<p>You should use this form to submit a compliment about any Ategi service or to make a formal complaint in accordance with Stage 2 of the Compliments, Concerns and Complaints Policy.</p>	
Your Full Name	
Your Address	
Contact Telephone	
Number(s)	
Contact Email Address	
Date & Time of Incident	
<p>Section 1: Compliments - please detail below your comments or suggestion you wish to make</p> <div style="border: 1px solid #ccc; height: 300px; margin-top: 10px;"></div>	

Section 2: Complaint – please detail the nature of your formal complaint

What action would you like to be taken in relation to your complaint?

What times are convenient for you to have a meeting to discuss your complaint?

Compliments - This form should be returned to info@Ategi.co.uk

Formal Complaints – This form should be returned to the Locality Manager you were advised of at the end of Stage 1. Full contact details can be found overleaf.

Contacts

Ategi Responsible Individual – Chief Executive Officer (CEO)

(Regulation and Inspection Social Care 2016 Act and Health and Social Care Act 2008) (Regulated Activities) Regulations 2014)

Kate Allen

Flynn House, Cardiff Road, Rhydyfelin, Pontypridd, Wales CF37 5HP

Tel: 01443 484400

Email: katea@Ategi.co.uk

Ategi Head Services

Richard Cox

Flynn House, Cardiff Road, Rhydyfelin, Pontypridd, Wales CF37 5HP

Tel: 01443 484 400

Email: richardc@Ategi.co.uk

Ategi Locality Managers

Shared Lives Manager (Wales)

Lyn Watkins

Flynn House, Cardiff Road, Rhydyfelin. Pontypridd, Wales CF37 5HP

Tel: 029 2081 4800

Email: slswales@Ategi.co.uk

Shared Lives Manager (South Gloucestershire)

*Richard Cox (locality manager vacancy)

Suite B1, White House Business Centre, Kingswood, Bristol, England BS15 8DH

Tel: 0117 332 1030

Email: slssouthglos@Ategi.co.uk

Shared Lives Manager (Buckinghamshire)

*Richard Cox (locality manager vacancy)

Unit M2A, DeHavilland Court, Penn Street, Amersham, Buckinghamshire, England HP7 0PX

Tel: 01494 932920

Email: bucks@Ategi.co.uk

Locality Manager Supported Living & Community Support Service

Gail Reece

Flynn House, Cardiff Road, Pontypridd, Wales CF37 5HP

Tel: 01443 484400

Email: gailr@Ategi.co.uk

External Contacts

Care Inspectorate Wales (CIW)

Welsh Government, Rhydycar Business Park, Merthyr Tydfil, Wales, CF48 1UZ
Tel: 0300 7900 126

Care Quality Commission (CQC)

As at September 2021 CQC offices are closed with staff working from home.
Tel: 03000 616 161
Email: enquiries@cqc.org.uk

Shared Lives Plus

(UK membership charity for Shared Lives Carers and Shared Lives Schemes)
Shared Lives Plus, G04 The Cotton Exchange, Old Hall Street, Liverpool,
Merseyside L3 9JR
Tel: 0151 227 3499
Email: info@sharedlivesplus.org.uk

Appendix B

This form must be completed in the event of any concern you may have.	
Date	
Name of person completing form	
Details of person who the concern relates to	<i>Name</i>
	<i>Address</i>
Details of the concern	
Nature of concern	
If applicable – names and details of any witnesses	
Actions Taken by you (the person raising this concern)	

People informed of concern			
(Line Manager, Senior Manager, On-Call, Care Manager, Other <i>Please state</i>)			
Name	Date	Time	Comments
Date and Signature of person completing this form			

Actions Taken by the Service	
State immediate follow through responses taken by this concern.	
<i>(Ategi office use only)</i>	
Immediate Action Taken by the Service upon receipt of the concern form	
Follow up action <i>(who will be responsible for the necessary action and by when)</i>	
Recommendations	
Date and Signature	



Compliments, Concerns and Complaints Policy

Copy of Form sent to Service Manager	Yes	No	Date sent:
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Senior / Service Manager Comments

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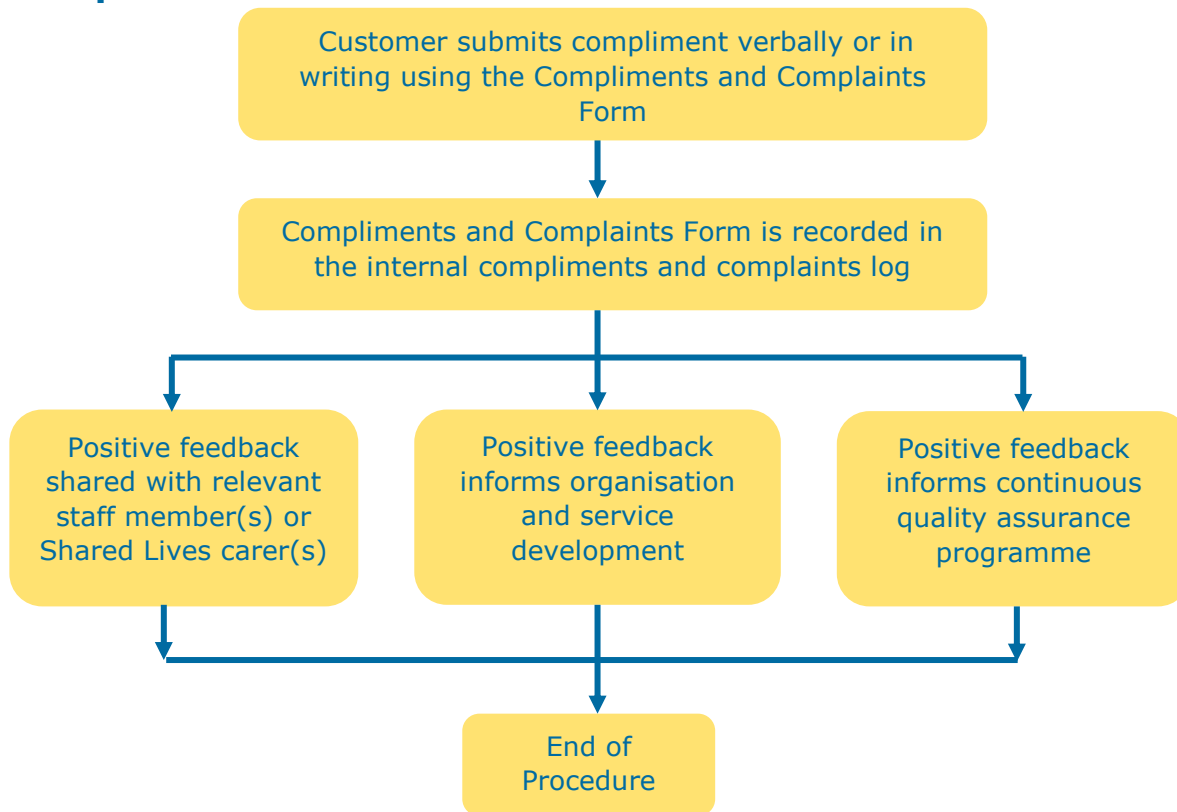
Actions to be Taken	By whom	Date
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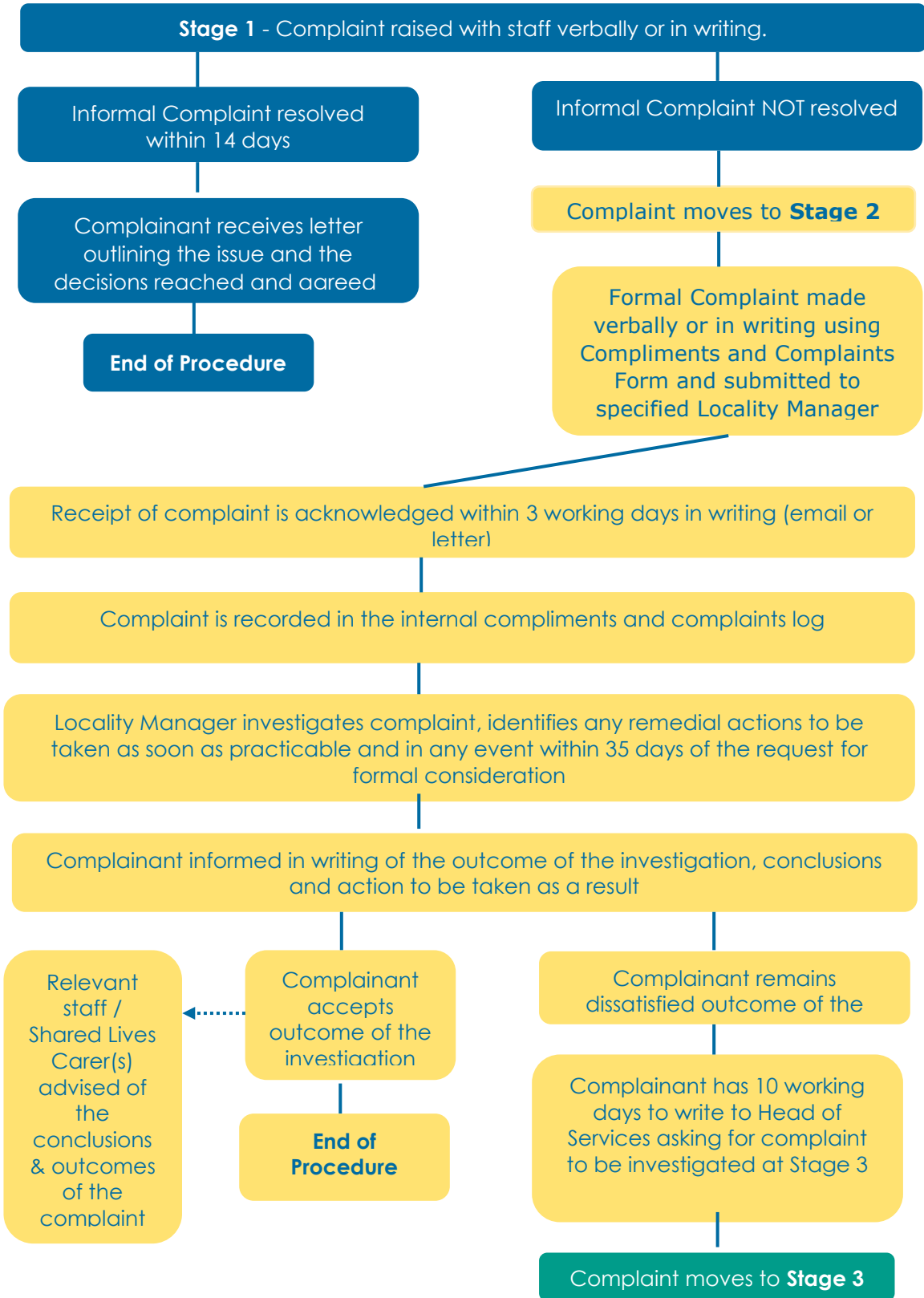
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Appendix C

Ategi Compliments and Complaints Procedural Flowcharts

Compliments Procedure





Complainant remains dissatisfied of the outcome of the investigation at **Stage 2**

Complainant writes to Head of Services within 10 working days asking for complaint to be investigated at **Stage 3**

Head of Services acknowledges receipt of your complaint within 5 working days and may if necessary, contact the complainant to discuss and clarify their concerns

Head of Services examines the complaint and may carry out further interviews, examines records / notes as deemed necessary.

Complainant is informed within 21 working days of the conclusion of the investigation and any subsequent action to be taken

The decision of the Head of Services is final

End of Procedure

If complainant remains dissatisfied, they can refer the complaint to the Public Ombudsman for Wales or England

Complainant must contact either:
 Public Services Ombudsman for Wales (for services in Wales)
 Tel: 0300 790 0203 / Email: ask@ombudsman-wales.org.uk /
 Website: www.ombudsman-wales.org.uk

Local Government & Social Care Ombudsman in England (for services in England)
 Tel: 0300 061 0614 / Website: <https://www.lgo.org.uk/> OR
<https://www.lgo.org.uk/adult-social-care/how-we-can-help>



Appendix D Ategi Policy Receipt

Acknowledgement

By my signature below, I acknowledge that I have received, read, understand, and agree to adhere to the policies and procedures as listed below. Those policies and procedures include:

{INSERT LIST OF DOCUMENTS HERE}

Confirmation	
Name	
Position	
Signature	
Date	