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<b>Title:</b>	Compliments, Concerns and Complaints Policy and Procedure
<b>Policy Owner</b>	Head of Quality and Compliance
<b>Other Relevant Policies:</b> Safeguarding Adults and Children at Risk Policy; Serious Incident Reporting Policy; Whistleblowing Policy	

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## 1. Introduction

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1.1 ategi is committed to the fundamental principle of protecting people from harm and this is developed and sustained through a positive culture of vigilance, implementing learned lessons from incidences and working in partnership with statutory agencies, partner services and organisations, trustees, managers, staff, Shared Lives Carers, people we support and their families.

At ategi, we support each person as an individual, enabling them to develop their skills and confidence and increase their independence. Whatever their needs are, we make sure the care is tailored, so we can support people to live the way they want to.

The organisation provides the following services:

- **Shared Lives Scheme** - supports people with a learning disability, physical disability, mental health concerns, older and younger adults. The scheme supports people to live within a shared lives arrangement.
- **Supported Living Services** - supporting individuals aged 18 and over with learning and physical disabilities, mental health needs and those with an autistic spectrum diagnosis.
- **Visiting Support** - a flexible service, supporting people who live in and around Cardiff who are vulnerable because of their learning disability and/or their physical/ sensory difficulties, from 2 hours at a time, up to a full week, depending on their needs.

- 1.2 The values that ategi was built on remain strong and clear today ensuring that anyone who makes use of our services has full control over their lives and the support they have, are respected as equal partners in the planning of their support and are enabled to live the life that they want to live.

## **2. Scope and Purpose of the Policy**

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- 2.1 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).
- 2.2 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.
- 2.3 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.
- 2.4 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
- 2.5 Compliments are valuable, welcome and important and when they are received, either verbally or in writing, they will be recorded. Compliments enable the 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
- 2.6 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
- 2.7 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.

### 3. Definitions

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- 3.1 A **compliment** is an expression of satisfaction about the standard of service we provide.
- 3.2 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.
- 3.3 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.

### 4. Roles and Responsibilities

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- 4.1 **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.
- 4.2 **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.
- 4.3 **Executive Team:** the Executive Team have responsibility for ensuring compliments and complaints are handled according to this policy and procedures.

- 4.4 **Head of Operations:** the Head of Operations 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.
- 4.5 **Senior Leadership Team:** all members of the Senior Leadership team 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.
- 4.6 **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 Service Manager

## 5. Confidentiality

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- 5.1 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.

## 6. What is not covered by this policy and procedure

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- 6.1 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

## **7. Anonymous Complaints**

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- 7.1 We will not normally investigate anonymous complaints. However, the Service Manager or Head of Quality and Safeguarding, if appropriate, will determine whether the complaint warrants an investigation.

## **8. Compliments Procedure**

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- 8.1 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.
- 8.2 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).

## **9. Complaints Procedure**

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### **Stage 1 – Informal**

- 9.1 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 Service Manager.
- 9.2 Concerns or complaints may be received by any method and need not be in writing. Verbal concerns or complaints will be recorded and passed to the Service Manager.
- 9.3 The Service 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.
- 9.4 The Service 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 Service 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.

- 9.5 The Service 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.
- 9.6 The Service 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.
- 9.7 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.
- 9.8 Where it has been possible to resolve the complaint at this informal stage the Service 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
- 9.9 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
- 9.10 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.
- 9.11 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 Service Manager to make this explanation.

## **Stage 2 – Formal**

- 9.12 A formal complaint can be made either verbally or in writing. If verbally, a statement should be taken by the Service 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 Service Manager (Appendix A).
- 9.13 In all cases, the complaint will be investigated by a Service Manager who will acknowledge receipt of the complaint within 3 working days in writing (email or letter).
- 9.14 In the event of a complaint about the Service Manager the complaint should be passed to the Head of Quality and Safeguarding, and if the complaint is about the Head of Operations this must be passed on to the Chief Executive.
- 9.15 If any complaint received is outside the remit and/or the authority of the Service 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.
- 9.16 The Service Manager will record the complaint in the internal compliments and complaints log.
- 9.17 The Service Manager will investigate the complaint and identify the appropriate remedial action to be taken and persons responsible for such action.
- 9.18 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.
- 9.19 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.
- 9.20 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.

9.21 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.

9.22 If the complainant remains dissatisfied with the outcome of the investigation, they can appeal in writing to the Head of Operations within 10 working days asking for the complaint to be investigated at Stage 3.

### **Stage 3 – Appeal**

9.23 The Head of Operations 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.

9.24 The Head of Operations 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.

### **Complaints made against a Shared Lives Carer**

9.25 Where a complaint is made against a Shared Lives Carer, the following additional measures will apply and ategi will:

- where necessary, draw up an agreement for the Shared Lives Carer to undertake action to rectify any identified problems within an agreed timescale
- 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
- 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
- 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
- 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.

## **Withdrawal of Complaint**

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

## **Dissatisfied with the response to the complaint**

9.27 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).

9.28 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

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

### **Wales**

Telephone: 0300 790 0203

Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Website: [www.ombudsman-wales.org.uk](http://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

9.30 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.

## **10. Duplicate Complaints**

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10.1 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

10.2 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.

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

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

## **11. Duty of Candour**

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11.1 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.

- 11.2 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.
- 11.3 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
- 11.4 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 -
- a. appears to have resulted in:
    - i. 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,
    - ii. 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,
    - iii. changes to the structure of the person we support's body,
    - iv. the person we support experiencing prolonged pain or prolonged psychological harm, or
    - v. the shortening of the life expectancy of the person we support; or
  - b. requires treatment by a health care professional in order to prevent—
    - i. the death of the person we support, or
    - ii. 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).
- 11.5 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.'

- 11.6 The 'registered person' at ategi is the CEO who will delegate carrying out the duty to either:
- a Director
  - the Head of Operations
  - any other relevant Head of Department, or
  - a Service Manager, whichever is more appropriate.

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

- 11.7 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 \(to come into force spring 2023\)](#)

## **12. Publication**

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- 12.1 A copy of this policy and procedure is available on the ategi website ([www.ategi.org.uk](http://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.

## **13. Monitoring and Review**

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- 13.1 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.

- 13.2 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.

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

## **14. Linked Policies and Procedures**

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14.1 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**

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.

<b>Your Full Name</b>	
<b>Your Address</b>	
<b>Contact Telephone Number(s)</b>	
<b>Contact Email Address</b>	
<b>Date &amp; Time of Incident</b>	

**Section 1: Compliments - please detail below your comments or suggestion you wish to make**

**Section 2: Concern / 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 an appointment to discuss your complaint?**

**Compliments - This form should be returned to [info@ategi.co.uk](mailto:info@ategi.co.uk)**

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

**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 484 400  
Email: [katea@ategi.co.uk](mailto:katea@ategi.co.uk)

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**ategi Head of Quality & Safeguarding**

Richard Cox  
Flynn House,  
Cardiff Road, Rhydyfelin  
Pontypridd, Wales CF37 5HP  
Tel: 01443 484 400 Email: [richardc@ategi.co.uk](mailto:richardc@ategi.co.uk)

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**ategi Service Managers**

**Shared Lives Manager (Wales)**

Samantha Davies  
Flynn House,  
Cardiff Road, Rhydyfelin  
Pontypridd, Wales CF37 5HP Tel:  
029 2081 4800  
Email: [samanthad@ategi.co.uk](mailto:samanthad@ategi.co.uk)

**Shared Lives Manager (South Gloucestershire)**

Suite B1, White House Business  
Centre  
Kingswood  
Bristol, England BS15 8DH  
Tel: 0117 332 1030  
Email: [slssouthglos@ategi.co.uk](mailto:slssouthglos@ategi.co.uk)

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**Shared Lives Manager (Buckinghamshire)**

Andrew Tucker  
Unit M2A, DeHavilland Court  
Penn Street, Amersham  
Buckinghamshire, England HP7 0PX  
Tel: 01494 932 920

Email: [amyg@ategi.co.uk](mailto:amyg@ategi.co.uk)

**Supported Living Manager (Wales)**

Gail Reece  
Flynn House  
Cardiff Road  
Pontypridd, Wales CF37 5HP  
Tel: 01443 484 400  
Email: [gailr@ategi.co.uk](mailto:gailr@ategi.co.uk)

**Domiciliary Support Services Manager (Wales)**

Katrina Watts  
Flynn House  
Cardiff Road  
Pontypridd, Wales CF37 5HP  
Tel: 01443 484 400  
Email: [katrinaw@ategi.co.uk](mailto:katrinaw@ategi.co.uk)

**Care Inspectorate Wales (CIW)**

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

**Care Inspectorate England (CQC)**

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

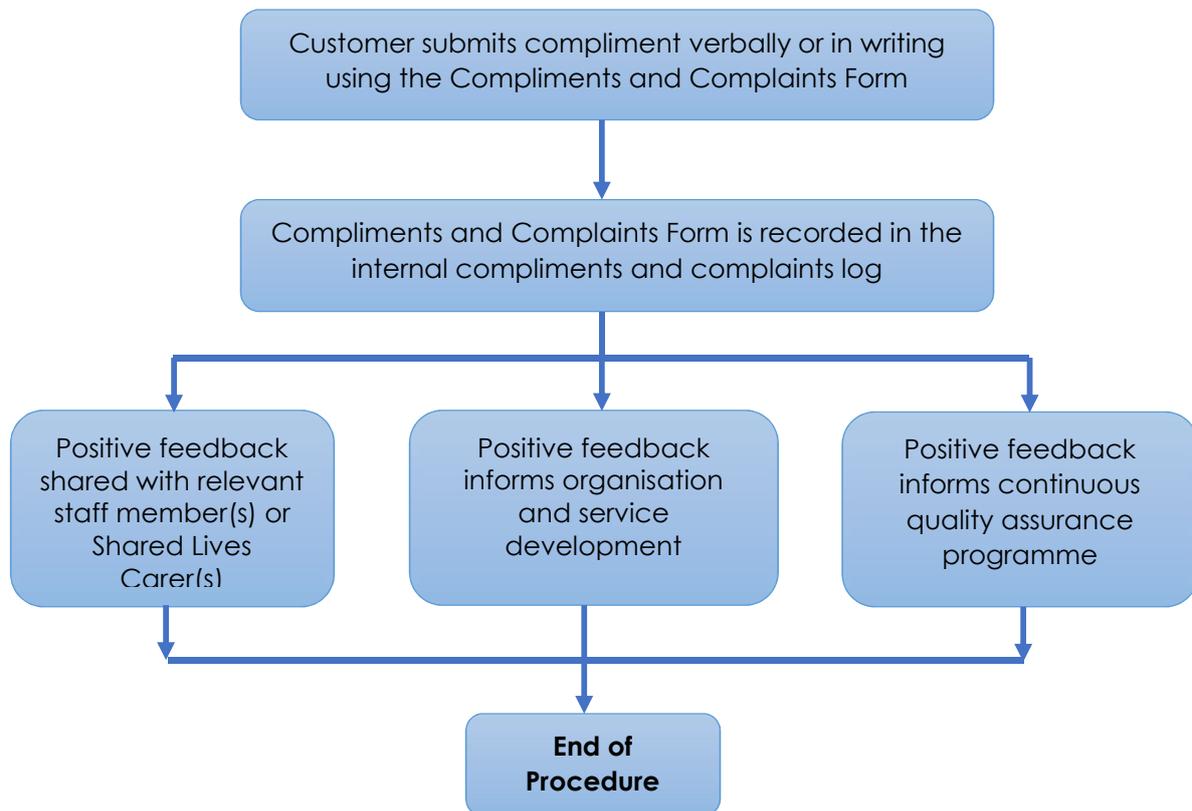
**Shared Lives Plus**

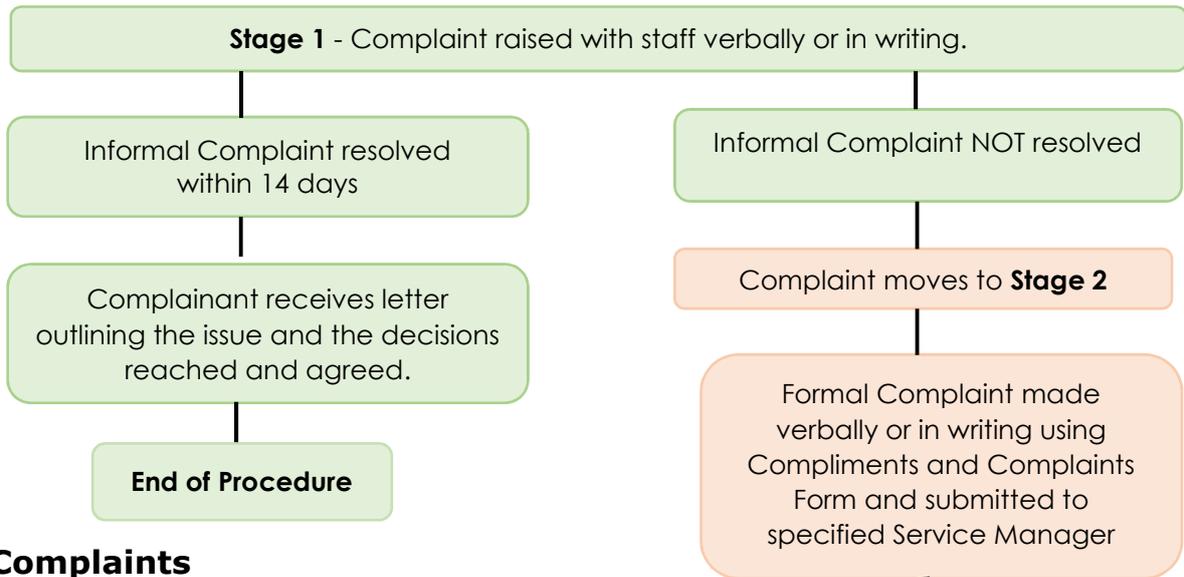
(UK membership charity for Shared Lives Carers and Shared Lives Schemes)  
Shared Lives Plus  
G04 The Cotton Exchange  
Old Hall Street  
Liverpool, Merseyside L3 9JR  
Tel: 0151 227 3499  
Email: [info@sharedlivesplus.org.uk](mailto:info@sharedlivesplus.org.uk)

## Appendix B

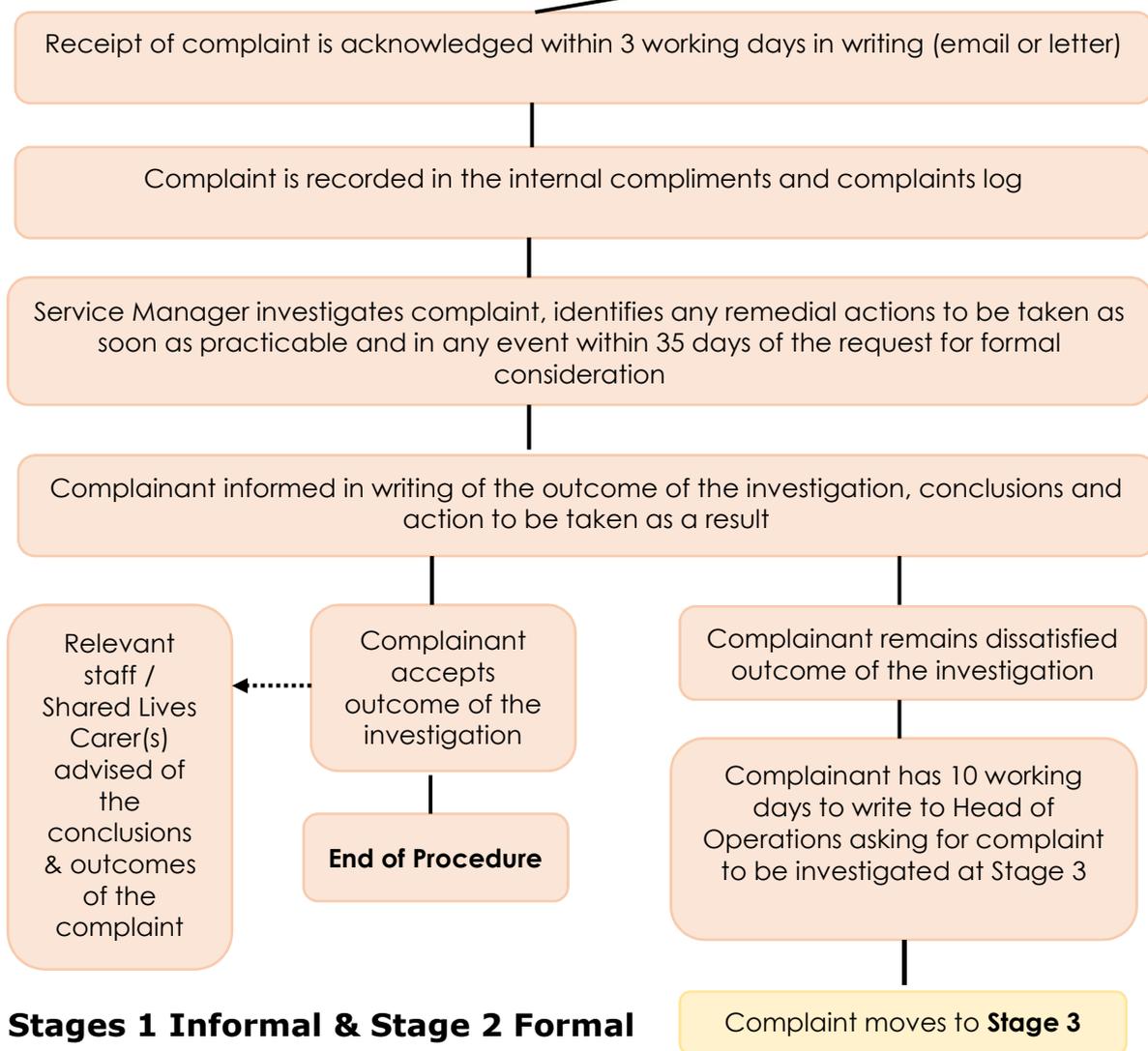
### ategi Compliments and Complaints Procedural Flowcharts

#### Compliments Procedure

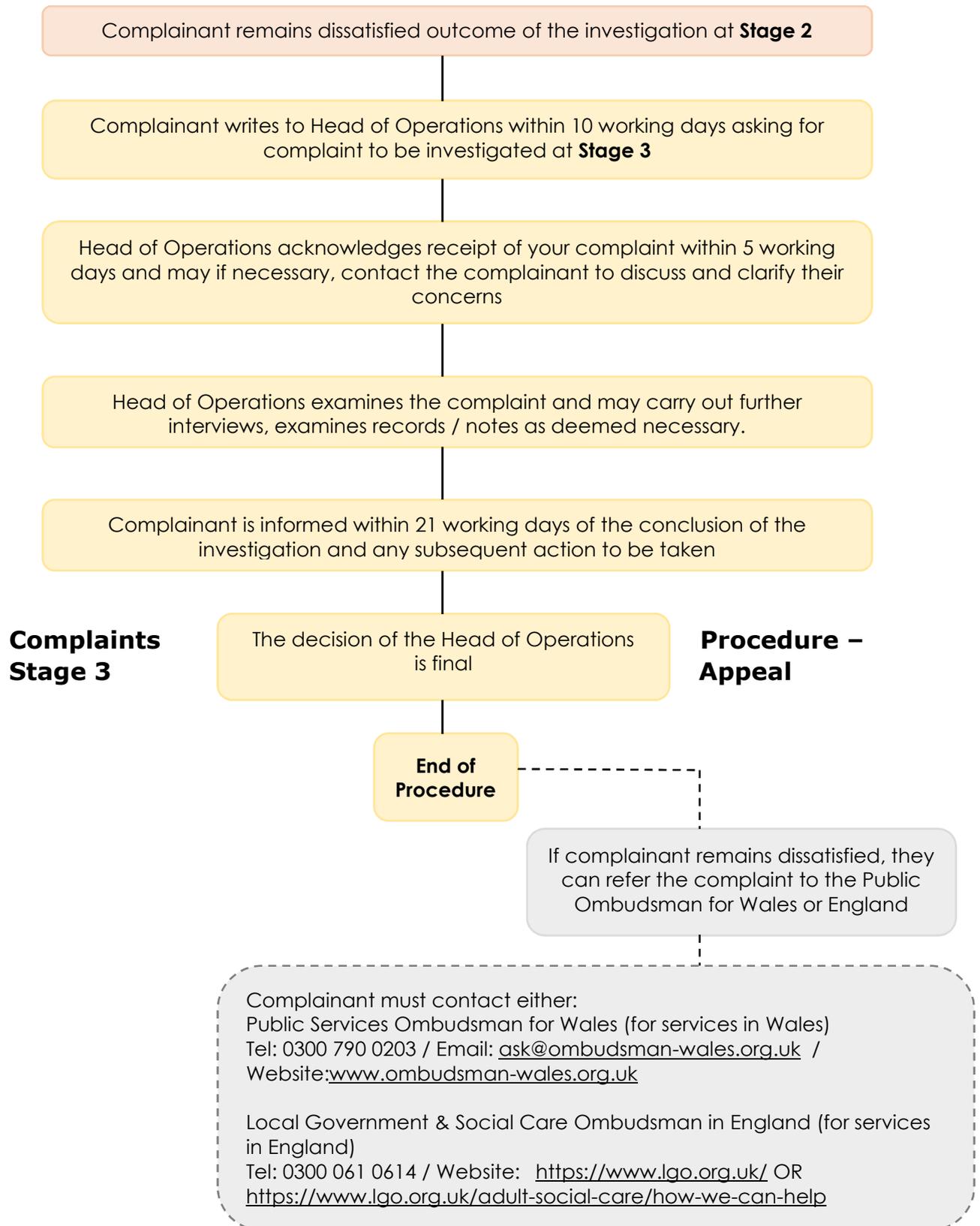




**Complaints Procedure –**



**Stages 1 Informal & Stage 2 Formal**



## Appendix C

### 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}**

<b>Name</b>	
<b>Position</b>	
<b>Date</b>	
<b>Signature</b>	