



Complaints Policy / Procedure

ALA Care Ltd works on the principle that if a service user wishes to make a complaint or register a concern they should find it easy to do so. It is ALA Care Ltd policy to welcome complaints and look upon them as an opportunity to learn, adapt, improve and provide better services. This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by service users and their relatives and carers are taken seriously.

The policy is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. However, ALA Care Ltd understands that failure to listen to or acknowledge complaints will lead to an aggravation of problems, service user dissatisfaction and possible litigation.

ALA Care Ltd supports the principle that most complaints, if dealt with early, openly and honestly, can be sorted at a local level between the complainant and the organisation. If this fails due to the complainant being dissatisfied with the result, the organisation will respect the right of the complainant to take the complaint to the next stage. The aim is always to make sure that the complaints procedure is properly and effectively implemented and that service users feel confident that their complaints and worries are listened to and acted upon promptly and fairly

Goals

- Service users, their representatives and carers are aware of how to complain and that the home provides easy-to-use opportunities for them to register their complaints.
- Every written complaint is acknowledged within two working days.
- Investigations into written complaints are held within 28 days.
- All complaints are responded to in writing by the organisation.
- Complaints are dealt with promptly, fairly and sensitively with due regard to the upset and worry that they can cause to both staff and service users.

ALA Care Ltd works on the basis that, wherever possible, complaints are best dealt with on a local level, e.g. within the home. Then if either of the parties is not satisfied by a local process, the person will be advised that they can take their complaint to the local authority, if they receive funding support from it, or directly to the Local Government Ombudsman if they are self-funding. Local authority-funded residents may also decide to take their complaint to the Local Government Ombudsman if they are dissatisfied with the way that the organisation or the local authority has handled their complaint.

The Care Quality Commission states that it will always welcome hearing about any concerns, though it will not investigate any complaint directly. It can be contacted by phone on 03000 616 161, by e-mail to enquiries@cqc.org.uk or by post to:

Care Quality Commission
Citygate
Gallowgate
Newcastle-upon-Tyne
NE1 4PA.

In the event of the complaint involving alleged abuse or a suspicion that abuse has occurred, ALA Care Ltd will refer the matter immediately to the Local Safeguarding Team. This could entail an assessment of the allegation by a member of the Safeguarding Authority team.

Verbal Complaints

- All verbal complaints, no matter how seemingly unimportant, are taken seriously.
- Front-line care staff who receive a verbal complaint are instructed to address the problem straight away.
- If staff cannot solve the problem immediately they should offer to get the manager to deal with the problem.
- All contact with the complainant should be polite, courteous and sympathetic. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
- At all times staff should remain calm and respectful.
- Staff should not make excuses or blame other staff.
- If the complaint is being made on behalf of the service user by an advocate it must first be verified that the person has permission to speak for the service user, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the service user when they may not. If in doubt it should be assumed that the service user's explicit permission is needed prior to discussing the complaint with the advocate.
- After talking the problem through, the manager or the member of staff dealing with the complaint will suggest a course of action to resolve the complaint. If this course of action is acceptable then the ALA Care Ltd member of staff will clarify the agreement with the complainant and agree a way in which the results of the complaint will be communicated to the complainant e.g. 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 and give them a copy of the home's complaints procedure.
- In both cases details of the complaints will be recorded in the complaints book.

Written Complaints

- When a complaint is received in writing it is passed to the manager, who records it in the complaints book and sends an acknowledgment letter within two working days. The manager will deal with the complaint throughout the process.

- If necessary, further details will be obtained from the complainant. If the complaint is not made by the service user but on the service user's behalf, then consent of the service user, preferably in writing, must be obtained from the complainant.
- ALA Care Ltd complaints procedure will be forwarded to the complainant.
- If the complaint raises potentially serious matters, advice will be sought from a legal advisor. If legal action is taken at this stage any investigation under the complaints procedure will cease immediately pending the outcome of the legal intervention.
- If the complainant is not prepared to have the investigation conducted by the care homes he or she will be advised to contact the local authority (if it provides the individual's funding), the Local Government Ombudsman service (if the individual self-funds), or an organisation such as Age UK or Counsel and Care, which can provide advice on how to proceed.

The CQC could also be contacted under these circumstances, though it will not investigate a complaint directly.

Investigation of the Complaint

- Immediately on receipt of the complaint the organisation will launch an investigation and within 28 days the organisation 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 to complete the investigation 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 they wish, bring a friend or relative or a representative such as an advocate.
- At the meeting a detailed explanation of the results of the investigation is given and also an apology if it is deemed appropriate (apologising for what has happened need not be an admission of liability).
- Such a meeting gives the organisation the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.

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. This will include details of how to approach the local authority complaints service or Local Government Ombudsman if the complainant is not satisfied with the outcome.
- The outcomes of the investigation and the meeting are recorded in the complaints book and any shortcomings in procedures are identified and acted upon.
- The management reviews all complaints to determine what can be learned from them. It regularly reviews the complaints procedure to make sure it is working properly and is legally compliant.

Habitual or Vexatious Complainants

The vast majority of people who raise a complaint about care or treatment act entirely reasonably.

However, some people may act inappropriately towards the staff involved in the investigation of their complaint. This can lead to significant staff time and resources being used in the management of that particular complaint.

There are times when nothing further can reasonably be done to assist the person who has raised the complaint or to rectify a real or perceived problem. We do not expect staff to tolerate unacceptable behaviour, including behaviour which is abusive, offensive or threatening.

The decision to assess a person as a habitual and/or vexatious complainant rests with the Director or in their absence, their deputy. Where complainants have been identified as habitual or vexatious and after all reasonable measures have been taken to assist the person, the Director has the right to notify the complainant of their decision not to investigate the complaint.

When all reasonable measures have been taken the Director with responsibility for managing complaints will write to the person informing them that ALA Care Ltd has responded fully to the complaint they raised and has tried to resolve the matter. The complainant should be informed that there is nothing more that can be added with respect to that complaint and that the correspondence is now finalised.

If the complainant subsequently demonstrates a more reasonable approach, or submits a further complaint for which the normal complaints process appears appropriate, the Director or in their absence, their deputy, can withdraw the habitual and/or vexatious assessment.

However, in extreme cases, ALA Care Ltd reserves the right:

- To inform the habitual and/or vexatious complainant that future letters or other communications will be acknowledged but otherwise not responded to.
- To take legal action.

To be reviewed annually