




Compliment and Complaints Policy & Procedure

VERSION CONTROL				
VERSION	APPROVED BY	REVISION DATE	CHANGES	AUTHOR(S)
	Cheshire West & Chester Council	March 2010		Cheshire West & Chester Council
1.	Vivo Leadership Team	01/12/2013	Adopted by Vivo	
2.	Vivo Leadership Team	01/09/2018	Scheduled review	QA Team
3.	Vivo Leadership Team	01/04/2022	Scheduled review – no change	QA Team
3.	Vivo Leadership Team	01/05/2022	Scheduled review – Ltd removed, changes to forms	

 Review Sheet		
 Last Reviewed "01/05/2024"		Next Planned Review 3 yearly, or sooner as required
Business impact	MEDIUM IMPACT	Changes are important, but urgent implementation is not required, incorporate into your existing workflow.
Reason for this review	Scheduled review	
Were changes made?	Yes	
Summary:	This policy will support staff dealing with complaints, compliments and feedback that are received in Vivo.	
Relevant legislation:	<ul style="list-style-type: none"> • 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 	
Suggested action:	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of team meetings and supervisions • Ensure relevant staff are aware of the content of the whole policy 	
Equality Impact Assessment:	Vivo 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.	

Key Question Key Lines of Enquiry

This policy and procedure will aim to support Vivo in meeting the following Key Lines of Enquiry:

CARING	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	How are people's concerns and complaints listened and responded to and used to improve the quality of life?
SAFE	How do systems, processes and practices keep people safe and safeguarded from abuse?

1. PURPOSE

Vivo takes all complaints and compliments raised very seriously. This Policy is designed to manage customer and external feedback into Vivo. It aims to lay out clear guidance and process for dealing with complaints and compliments.

To ensure that Vivo has an effective system in place to manage complaints, suggestions and compliments.

To ensure that Vivo complies with any legal requirements, regulations, guidelines and best practice.

To meet the legal requirements of the regulated activities that Vivo 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

2. SCOPE

This Policy is for:

- Service Users
- Carers
- Families
- Staff
- Workers from other agencies
- Members of the public
- Volunteers

This policy is for any of the above who may wish to:

- Give a compliment
- Share a concern
- Make a complaint
- Make a suggestion
- Give feedback

For any internal / employee complaints, the Grievance Policy should be referred to which can be downloaded from Vivo's SharePoint Site.

3. OBJECTIVES

Vivo is committed to high quality care *for all* as a core principle of our vision and purpose. We will ensure that service users and their representatives can seek advice, give feedback or make a complaint about the services we provide.

This Policy is written to ensure that:

- The quality of the service user's experience is improved
- Complaints are dealt with efficiently and openly
- Complaints are properly investigated
- Complainants receive a timely response
- Complainants are treated fairly with respect and courtesy
- Complainants receive, as far as is reasonably practical, assistance to enable them to understand the complaints procedure and advice on where they may obtain such assistance
- The investigation outcome is communicated to complainants in a timely manner
- To ensure all complaints 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.
- Compliments are processed and fed back to Vivo positively

4. POLICY

Complaints

It is important that the process for making complaints is well-publicised both to anyone wishing to make a complaint and those acting on someone's behalf.

- Vivo 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
- Vivo takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again.
- Vivo will comply with legislation, national guidelines, regulation and best practice when managing complaints and feedback. A systematic approach will be taken with all aspects of complaints and feedback
- Complainants will be given assistance to enable them to understand the complaints procedure and advice on where they may obtain such assistance. Details can be found on Vivo's web page, www.vivocarechoices.co.uk.
- Complainants will be advised on their rights to alert the relevant body to their complaint, if appropriate.
- 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
- Vivo understands its statutory obligations in respect of the Duty of Candour and will ensure it follows the agreed policy and procedure

Any complainant will feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion.

Vivo 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.

Engaging with service users and seeking their views

Vivo will seek out opportunities to obtain feedback from service users and stakeholders.

Vivo will act with sensitivity, integrity and professionalism by treating individuals who do complain or make a suggestion with compassion, courtesy and respect. Vivo will protect the service user's right to confidentiality.

Vivo 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.

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.

Safeguarding Concerns

Where a complaint or concern is raised that relates to a service user being harmed or likely to be harmed, Vivo will follow the Safeguarding Policy and Procedure in addition to the complaints procedures.

5. PROCEDURE

Complaints can be received to any member of staff within the organisation by an external person. Any external person wishing to make a complaint may do so:

- In person to a member of staff
- By telephone to a member of staff
- In writing (*hand delivered or by post*)
- Electronically via email
- Contact Form on Vivo website: www.vivocarechoices.co.uk

There is a three stage complaints process however it is good practice to try and resolve minor complaints at local level:

- **Stage 1** – Process
- **Stage 2** – Investigation
- **Stage 3** – Appeal Stage

When a concern / complaint is raised locally it should be dealt with immediately as part of good customer care. All complaints are to be logged online using Vivo's Internal Complaints Form, even if this has been dealt with immediately.

STAGE 1 - PROCESSING A COMPLAINT

- Where possible, a member of staff should do their best to resolve a complaint at a local level, ensuring a record is logged online using Vivo's Internal Complaints Form within **48 hours**
- If the complainant has provided a written complaint through the feedback mailbox, this will be logged on Vivo's Internal Complaints Form by the Quality Lead
- If a complaints form (Appendix 1) has been received locally within the service this needs to be loaded on Vivo's Internal Complaints Form including a copy of the original form attached within **48 hours**
- The Quality Lead will review all complaints and allocate a formal reference number
- The Manager of the Service/Team or Department Head must be informed of any complaint received

STAGE 2 - INVESTIGATE, MANAGE AND RESPOND TO COMPLAINTS

Upon receipt of a complaint:

- The Quality Lead will send an Acknowledgement Letter, including a Complainant Procedure & Fact Sheet (Appendix 2), to the complainant within **5 working days**
- The Quality Lead will appoint an appropriate internal / external Investigating Officer
- The Quality Lead will maintain the central log of complaints on SharePoint
- The Investigating Officer will have **20 working days** to conduct an investigation at which point they must provide the Quality Lead with their findings and outcome
- All reasonable steps should be taken to ensure that the complaint is fully investigated
- The Investigating Officer will deliver the outcome to the Quality Lead and the Manager of the Service/Team or Department Head.
- The Quality Lead will upload the Outcome Letter on SharePoint and send a copy to the Manager of the Service/Team.
- The Quality Lead will provide the complainant with an Outcome Letter within **28 working days**
- If the deadline is not going to be met by the Investigating Officer, he or she should liaise with The Quality Lead to agree a revised date
- The Quality Lead will write to the complainant to advise of the delay and confirm a revised date
- All documentation and actions taken including, but not limited to, letters, e-mail correspondence, statements and minutes taken of any formal meetings held to investigate the complaint must be evidenced and logged on SharePoint

STAGE 3 - APPEALS

If the complainant is unhappy with the final response their option to appeal should be outlined in their Outcome Letter.

- Appeals will be heard by the Director of Vivo. Appeal hearings will be co-ordinated by the Quality Lead
- The Investigating Officer may be required to attend the appeal to present the case and their findings

- If the complainant remains dissatisfied after the appeal stage they may wish to contact Cheshire West and Chester Council or the Care Quality Commissioner (Please see pages 3-4 for details)
- All documentation and actions taken including, but not limited to, letters, e-mail correspondence, statements and minutes taken of any formal meetings held to investigate the complaint must be evidenced and logged on SharePoint by the Quality Lead

An appeal can be made via letter to: **Director of Vivo, Vivo Care Choices, Head Office, Lightfoot Lodge, Lightfoot Street, Hoole, Chester, CH2 3AD**

Or alternatively by email: feedback@vivocarechoices.co.uk

6. PERSISTENT & VEXATIOUS COMPLAINTS

In some circumstances, it may appear that a small number of customers may be deemed by us as a 'persistent or vexatious complainant' due to the behaviours they demonstrate in pursuing the resolution of their complaint.

As an example:

- Behaviour such as changing the substance of a complaint
- Continually raising new issues on a regular basis
- Being unwilling to accept documented evidence of treatment given as factual
- Denying receipt of an adequate response despite correspondence specifically answering their questions
- Harassment or being personally abusive
- Being verbally aggressive on more than one occasion towards staff dealing with their complaint
- Threatening or using actual physical violence towards staff at any time

This section within the procedure is to ensure that those customers who Vivo deem to be 'persistent or vexatious complainants' are still dealt with fairly, honestly and properly, whilst also ensuring that other services users or employees are not adversely affected.

It is not possible to devise a single strategy to deal with 'persistent or vexatious complainants', as each case must be looked at in its own merits. Before deciding whether it is appropriate for us to apply any restriction in the way a 'persistent or vexatious complainant' can contact us, we must:

- Issue a warning to the complainant either by phone, or at a face-to-face meeting to explain why this behaviour is causing concern and to ask them to change this behaviour (subject to approval from the Quality Lead / Director).
- Give the complainant the opportunity to change their behaviours within a reasonable timescale before taking further action. Where this does not happen, Vivo can apply restrictions in the way a customer accesses Vivo and this must be confirmed in writing.
- Advise that there is no right of appeal regarding the implementation of this section of the procedure. However we would direct the customer to the Local Government & Social Care Ombudsman should they not agree with these restrictions

When a customer is being dealt with under this section of the procedure, information concerning the restrictions will be shared with relevant Vivo staff to ensure that they are still dealt with fairly, honestly and properly whilst also ensuring that other service users or staff are not adversely affected.

Information about the restrictions will be recorded on the customer's record whilst the restrictions are enforced.

7. MONITORING AND LEARNING

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

Information regarding complaints will be provided to Vivo's Quality Assurance Committee and the Senior Management Team on a regular basis.

Following closure of a complaint, wider learning may be taken from each case. Any complaints of medium or high severity may be discussed at Operational Managers' meetings, so learning and outcomes can be shared.

8. COMPLIMENTS

Receiving compliments is an opportunity to celebrate and recognise success. Vivo 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
- Numbers of compliments received are 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 using Vivo's Online Compliment Form and shared
- Compliments form a core agenda item at staff, service user and relative meetings

All compliments received regarding an individual, team or service will be recorded using Vivo's Online Compliment Form located on Vivo's SharePoint Site.

On receiving a compliment, the member of staff receiving the compliment must:

- Ensure the compliment has been logged on SharePoint or given to their Line Manager to log.
- If a paper compliments form has been received locally within the service this needs to be loaded using Vivo's Online Compliment Form located on Vivo's SharePoint Site with the original form attached within **48 hours**

The Quality Lead will retain a record of all compliments received cascade to the relevant manager.

So learning can be shared and potential recognition offered, compliments will be discussed in the following:

- Quality Assurance Committee meetings
- Senior Management Team meetings
- Teams meetings
- Service meetings

9. RECORDING

- Log all complaints / compliments within 48 hours of receipt using the online forms found on Vivo's SharePoint site
- Inform the relevant person, include a manager

10. ROLES & RESPONSIBILITIES

- Frontline staff are responsible for reporting any compliments and complaints received to their line manager before the end of their shift,
- Seniors / Service Co-Ordinators / Service Supervisors / Deputy Manager are responsible for recording any compliments and complaints received using the online forms found on Vivo's SharePoint site,
- The Service Manager / Quality Lead are responsible for responding to any compliments and complaints logged on SharePoint,
- The Quality Lead is responsible for monitoring and analysing trends for the purposes of informing ongoing improvements within the Service/s

11. CONFIDENTIALITY

All complaints received will be dealt with confidentially and in accordance with the Data Protection Act 2018. We will only disclose information to others as is necessary to complete any investigation.

12. DEFINITIONS

A **compliment** is positive feedback regarding something Vivo have dealt with, a service a customer has used or staff member. They can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

An **informal complaint** is an expression of dissatisfaction, disappointment or discontent.

A **formal complaint** is when a customer remains dissatisfied at attempts to resolve an expression of dissatisfaction about our service locally.

A customer can request a complaint to be treated formally at any stage. In addition, complaints will be treated formally if it is about a member of staff or a serious allegation.

A **Persistent / Vexatious Complaint** is one that is pursued, regardless of its merits, solely to harass, subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted.

KEY FACTS - PROFESSIONALS

Professionals providing this service should be aware of the following:

- Any feedback received from a service user or their representatives can influence positive change and quality of care and must be discussed with the manager

- Staff will be involved in quality improvement planning in response to themes from both compliments and complaints received by the service.
- Compliments will be recognised and celebrated and staff will be supported during any complaints investigations
- The receipt of complaints, compliments and feedback is everyone's responsibility and therefore staff will know what to say and how to respond. Staff need to be able to promote open, honest and transparent service to encourage people to feel able to feedback and raise concerns

KEY FACTS – PEOPLE AFFECTED BY THE SERVICE

People affected by this service should be aware of the following:

- You have the right to feel confident to raise a concern, give a compliment or provide feedback
- The process for you to raise a concern, give a compliment or to provide any other feedback will be simple and you will feel listened to and understood
- Your concerns, compliments and any other feedback will make a positive difference to future care at Vivo

FURTHER READING / RELATED POLICIES

As well as the information in the underpinning knowledge section of the review sheet, we recommend that you add to your understanding in this policy area by considering the following:

Care Quality Commission - Complaints Matter Report 2014:

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

Parliamentary and Health Service Ombudsman - Principles of Good Complaint Handling:

<Principles-of-Good-Complaint-Handling-bookletweb.pdf> (ombudsman.org.uk)

See also internal policies:

- Complaints and Compliments Easy Read Policy and Procedure
- Data Protection Policy and Procedure
- Duty of Candour Policy and Procedure
- Safeguarding Policy and Procedure

OUTSTANDING PRACTICE

To be 'outstanding' in this policy area evidence that:

- All complaints are logged, investigated and the outcomes are fed back to the complainant within the agreed timescales
- Trends in complaints are identified and tracked to improve service delivery
- There is evidence of annual reporting as a means to commitments to transparency and quality. Prepare and publish an annual report detailing the numbers of complaints, compliments and any other feedback/suggestions and the actions taken as a result
- Service users are involved in the complaints handling process and future design of procedures. Their views influence future management decisions

FORMS / DOCUMENTS

The following documents are included as part of this policy:

Title	When would this be used?	Location	Created by
Complainant Factsheet	To be sent out with any complaint correspondence.	Vivo SharePoint Site; Feedback	Vivo
Complaint Handling Toolkit	Holds Acknowledgement, Outcome and Appeal Letter templates.	Vivo SharePoint Site; Feedback	Vivo
Complaint Handling Flowchart	Flowchart of complaint handling procedure.	Vivo SharePoint Site; Feedback	Vivo