

Complaints Policy and Procedure

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1. Purpose

A complaint is an expression of dissatisfaction, whether justified or not.

Seaview Haven aims to deliver high quality care and to use the views and experiences of the people who access our services as part of a process of continuous improvement. Whenever possible, the comments, suggestions and concerns of residents and their families or representatives are dealt with as they arise. We recognize that there will be occasions where an individual will be dissatisfied with an explanation or apology given and will want to make a complaint.

This Policy describes our commitment to respond to comments, suggestions and complaints. Where a complaint is made, we aim to resolve the complaint as directly and quickly as possible being fair to the person making the complaint and those involved in delivering.

It is our intention to make our complaints system as accessible and simple as possible. Comments, suggestions and straightforward complaints, which can easily be resolved because they require little or no investigation, will be handled by those individuals directly involved in delivering services to our residents. This may be senior staff or carers. We call this “front-line resolution”.

If an individual is not satisfied with the outcome from “front-line” resolution, or does not wish to pursue this option, we will treat the concern or complaint as a formal complaint. This would be appropriate where the matter of concern is complex and requires investigation. So that there is clarity about the terms of a formal complaint we will ask that this be put in writing and we will assist complainants in doing this if asked.

2. How to Complain

A complaint can be received in many ways, orally, email or written:

Oral Complaints

- All oral complaints, no matter how seemingly unimportant, should be taken seriously.
- Care staff who receive an oral complaint should seek to solve the problem immediately if possible.
- If staff cannot solve the problem immediately, they should offer to get the homes manager to deal with the problem.
- All contact with the complainant should be polite, courteous and sympathetic.
- At all times staff should remain calm and respectful.
- Staff should not accept blame, make excuses or blame other staff.
- If the complaint is being made on behalf of the resident by an advocate it must first be verified that the person has permission to speak for the resident, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the resident when they may not. If in doubt it should be assumed that the residents explicit permission is needed prior to discussing the complaint with the advocate.
- After talking the problem through, the member of staff dealing with the complaint should suggest a course of action to resolve the complaint. If this course of action is acceptable

then the member of staff should clarify the agreement with the complainant and update their care plan accordingly as required. A copy of the complaint along with the action taken should be documented and a full report given to the manager of Seaview Haven. This information will be kept within the Complaints file. The manager will also see the resident at an arranged time to discuss if the complaint and the action taken are acceptable and reasonable.

- If the suggested plan of action is not acceptable to the complainant then the member of staff should ask the complainant to put their complaint in writing and give them a copy of the complaint's procedure.
- In both cases details of the complaints should be recorded and made visible to the directors of Seaview Haven.

Written Complaints

These should be made to:

**Registered Manager
Seaview Haven
Oaktree Gardens
Ilfracombe
Devon
EX34 9J**

rm@seaviewhaven.co.uk

OR to our directors via email

directors@seaviewhaven.co.uk

Socially funded residents can also make a complaint via Care Direct or their social worker.

Self funded residents can contact the Local government ombudsman at 53-55 Butts Rd, Coventry, CV1 3BH

Or contact

**The Care Quality Commission
Citygate
Gallowgate
Newcastle Upon Tyne
NE1 4PA**

03000 616161

- When a complaint is received in writing it should be shared with the directors of Seaview Haven immediately. The complaint will be recorded in the complaints file and an Acknowledgment Letter sent to the complainant within two working days.
- If necessary, further details should be obtained from the complainant. If the complaint is not made by the resident but on the residents behalf, then consent of the resident, preferably in writing, must be obtained from the complainant.
- If the complaint raises potentially serious matters, advice should be sought from a legal advisor for Seaview Haven. If legal action is taken at this stage any investigation by our agency under the complaint's procedure will cease immediately.
- If the complainant is not prepared to have the investigation conducted by Seaview Haven, he or she will be advised to contact the Care Inspectorate or Contracts Officers in our area.
- Immediately on receipt of the complaint Seaview Haven will launch an investigation and send a letter of acknowledgement to the complainant detailing the complaint and what we propose to do. Within 20 working days we 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 we are unable to send a full reply within 20 working days of receipt of the complaint, we will explain the reason why and inform the complainant when we will be able to reply in full.
- If the issues are too complex to complete the investigation within 28 days, the complainant will be informed of any delays.
- If a meeting is arranged the complainant should 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 should be given and also an apology if it is deemed appropriate (apologizing for what has happened need not be an admission of liability).
- Such a meeting gives the establishment the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.
- After the meeting, or if the complainant does not want a meeting, a written account of the investigation will be sent to the complainant in a Final Response Letter. This should include details of how to approach the Care Inspectorate or Contracts Team if the complainant is not satisfied with the outcome.
- The outcomes of the investigation and the meeting should be recorded on appropriate documentation and any shortcomings in our procedures should be identified and acted upon.
- Seaview Haven will discuss complaints and their outcomes at the monthly board meeting.

Acknowledgement Letter

This will include an offer to discuss the complaint with the complainant at a mutually agreed time to discuss:

- the manner in which the complaint is to be handled
- the period of time the investigation is likely to take

If the complainant does not accept the offer of a discussion, a letter should be sent back detailing the above details. This can be sent by letter or e-mail, taking into account the complainant's preferences.

Final Response Letter

This will include a report on:

- the initial complaint
- the conclusion reached, including any remedial action needed and confirmation that any action needed has either already been taken or the proposed timescale the action will be completed
- further contacts the complainant can contact if they are not happy with the decision taken

3. Actions For Complaints

When we get things wrong, Seaview Haven will act to:

- a. Accept responsibility
- b. Explain what went wrong and why
- c. Put things right using corrective action

The action we take to put matters right in response to a complaint can include any combination of the remedies set out in the menu below. The general principle we follow is that a complainant should, should so far as is possible, be put in the position they would have been in, had things not gone wrong.

The action taken needs to be proportionate and appropriate to the failure in service and take into account what people are looking for when they complain. An apology is normally appropriate, but other action may also be necessary:

- A sincere and meaningful apology, explaining what happened and or what went wrong – an apology is not an acceptance of liability under Section 2 of the Compensation Act 2006
- Remedial action, which may include reviewing or changing a decision on the service given to an individual complainant
- Provide service desired by complainant, immediately if appropriate or possible
- Putting things right (e.g. changing procedures to prevent future difficulties of a similar kind)
- Training and supervision of staff
- Financial compensation

4. Compensation

In the majority of cases, remedies other than financial compensation will satisfy the complainant. Financial compensation is therefore a final option and will only apply in cases where the loss or suffering is considered to warrant such a payment.

If the complainant has suffered direct or indirect financial loss, compensation maybe payable. All the evidence will be looked at, including how much the complainant can demonstrate they have lost or what extra costs they have incurred as a result of our practice.

5. Complaint Report

All complaints will have to be carefully documented and kept in Complaints file for easy access to anyone who requires to see them. The Complaint Report has to be completed for each complaint received. The contents of the Complaint Report will have:



- Details of the Complainant
- Date and time of when the complaint was received
- Full details of the complaint
- Details of the person receiving the complaint
- Details of any immediate action taken on complaint
- Results of action taken on complaint
- Details of person informed of complaint
- Any further action to be taken
- The date the report of the outcome of the investigation was sent to the complainant