



# **360 CARE**

## **COMPLAINTS PROCEDURE**

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## **COMPLAINTS PROCEDURE**

### **1. Introduction**

This document details the way in which any complaints/concerns made about service provided by 360 Care Ltd will be addressed under the National Health Service Complaints (England) Regulations 2009.

### **2. Purpose**

This policy puts the patient/service user and /or their representative, at the centre of efforts to resolve the issues they have raised. We recognise the importance of listening to the experiences and views from the public about our service – particularly if they were unhappy- and we want to make it as easy as possible for them to let us know their views. The procedure will ensure that complaints/concerns are dealt with in a way that is:

**Open** – information gathered about the issues raised and the way in which they have been handled will be shared in full.

**Clear** – the complaint/concern and the way in which it will be handled will be agreed at the start with the complainant.

**Responsive-** the needs of the complainant and/or service user will be taken into account in determining the method of addressing their concerns.

**Flexible** – the complaint/concern handling will be determined by the nature of the complaint & views of the complainant.

**Proportionate** – The efforts to resolve and time taken in addressing the issues raised will reflect the significance of those issues.

**Timely** – complaint handling will be conducted in a timely way.

**Focussed on resolution** - at all points through the process we will look to resolution.

Complaints will be dealt with in a way that is suitable to the issues raised rather than according to a set procedure. This means the addressing of the complaint will take into account:-

- The complainant's views
- The nature of the complaint
- The potential implications for the complainant
- The potential implications for 360 Care Ltd

We want everyone who is involved to feel confident in the process and will achieve this through a procedure that ensures:-

- Concerns are taken seriously
- Complaints are dealt with promptly and effectively
- There is a full response and a clear outcome for the complainant
- Complaints are dealt with fairly

- All those in the process are treated with dignity and respect
- There is equality of access and standards of service for all complainants, with particular consideration for those people who may find it more difficult to use the process, e.g. people with disabilities, those whose first language is not English.
- Using the outcomes from complaints and concerns to improve services

### **3. Scope**

This policy applies to all staff working for or on behalf of 360 Care Ltd and the individuals receiving services provided by the organisation. The policy applies at all times to complaints, concerns and issues raised by individuals using these services and their representatives.

### **4. Definitions**

#### **Complaints**

A complaint is any expression of dissatisfaction about a service that is being delivered, or the failure to deliver a service.

#### **Concern/Comment/Representation**

A concern, comment or representation that requires action and a response will also be dealt with according to this procedure.

The term 'complaint' and 'complainant' are used for ease throughout this document but should be taken to apply to these other representations.

Often patients/service users do not wish to make formal complaints but do have other things to say about the services provided by the company (360 Care Ltd). Patients and service users and their representatives do not have to make a complaint to have these issues addressed.

### **5. How to register a Complaint, Concern, Comment, and Representation:**

Complaints should be addressed to Mr Steven Peart, Managing Director, The Roxton Practice, Pilgrim Primary Care Centre, Pelham Road IMMINGHAM, DN40 1JW. He will explain the complaints procedure to you and will ensure that your concerns are dealt with promptly. It will be a great help if you are as specific as possible about your complaint. Tel: 01469 570729.

#### **PALS**

Alternatively members of the public can contact North East Lincolnshire Clinical Commissioning Group Patient Advice and Liaison Service (PALS) on 0300 3000 500/550 who will be able to offer help and support with the complaint.

<http://www.northeastlincolnshireccg.nhs.uk/help-support/patient-advice-liaison-service/>

If the individual does not wish to use any of the options detail above and would rather make the complaint to the member of staff they are engaged with, where possible, a private location should be identified and the member of staff should:

- Confirm details of the Complainant including contact details for feedback if requested (including preferred method of contact)
- Details of the Patient/service user Complaint
- Desired Outcome from the complainant's perspective.

## **Care Quality Commission**

Patients may also contact the Care Quality Commission to raise their concerns. Complaints should be sent in writing:-

CQC National Customer Service Centre  
Citygate  
Gallowgate  
Newcastle upon Tyne  
NE1 4PA

<https://www.cqc.org.uk/contact-us/how-complain/complain-about-service-or-provider>

Every effort should be made to assist people in making their complaint and any member of staff can take a complaint, if that is what the complainant wishes.

### **6. Who can complain?**

A complaint can be made by:

- A patient/service user
- The representative of a patient/service user – this can be anyone acting on their behalf with their consent
- Anyone who is, or is likely to be, affected by the actions, decisions or omissions of the service that is subject to a complaint.
- The representative of a patient who lacks capacity, as long as the representative can be seen to be acting in the best interests of that person.
- A patient/service user deemed unable to make a complaint themselves in line with the Mental Capacity Act (2005).

### **7. About what can a Complaint be Made?**

A complaint can be made about anything that is connected with the services provided by 360 Care Ltd. This includes, but is not limited to:-

Quality or amount of service  
Charges for a service  
A decision  
Failure to follow correct procedure  
Delay  
Attitude and behaviour of staff

### **8. Limitations to making a Complaint**

Matters that should be dealt with through other procedures will not be dealt with as a complaint, including:-

- Disciplinary or grievance proceedings
- Criminal Investigations
- Where a statutory appeals process is in place

- When a complainant intends to take legal proceedings in relation to the substance of the complaint
- Allegations relating to safeguarding.

However if some aspects of a complaint are being addressed through other processes, it does not mean that the entirety of the complaint should not be progressed. Issues that can be considered under the Complaints Policy, as long as they do not compromise any other process, can still be addressed this way. It is possible for two procedures to run side by side.

If at any point in dealing with a complaint it becomes apparent that there are issues that should be addressed through other procedures, this part of the complaint will be suspended and moved to the appropriate procedure and the complainant informed in writing.

## **9. Responsibilities**

All complaints will be handled by the Interim Manager of 360 Care and it is the responsibility of all staff to co-operate with the resolution of complaints and to carry out their roles as indicated in this policy.

360 Care works closely with North East Lincolnshire Care Commissioning Group (CCG). Where individuals have concerns about the services provided by 360 Care Ltd, they have the right to have these concerns addressed by the CCG instead of 360 Care. If this is the case, individuals should be sign posted to the CCGs Patient's Advice and Liaison Service (PALS) on 0300 3000 500.

## **PROCESS FOR MANAGING COMPLAINTS**

### **1. Recording**

All complaints are captured within 360 Care Complaints and Incidents database. When a complaint is received, the details of the complaint and desired outcomes of the complainant are reviewed by the Interim Managers

The action plan for investigating and addressing the complaint are agreed and documented and where appropriate the complainant is contacted to advise them of the proposed action.

### **2. Outcomes / Feedback**

Once the complaint has been fully investigated and the outcomes agreed, 360 Care will formally write to the complainant advising them of:

- The findings of the investigation
- Any learning points and actions that need to be taken within the service
- Conclusions in relation to the complaint
- Advice about what to do if the complainant is dissatisfied with the response or way in which their concern has been dealt with

### **3. Appeal**

If the complainant is dissatisfied with the response to their complaint then 360 Care will consider:

- The reasons for the dissatisfaction
- Whether this is a new complaint
- Whether the investigation adequately answered the issue first time round
- Whether there is any new information

If it is felt that after this consideration there are grounds to revisit some or all elements of the complaint then this will be agreed with the complainant. If it is decided that there are no grounds then the complainant will be advised of the next stage of the process, which is referral to the Parliamentary Health Service Ombudsman. They will be given the necessary information to enable them to do this.

#### **4. Persistent Complaints**

From time to time there will be complainants who seek to raise a number of complaints or who become unreasonable in their conduct or expectations around contact. Whilst every effort should be made to address objectively any concerns that are raised, 360 Care must also seek to be proportionate and not to expose its staff to unreasonable behaviour.

#### **5. Learning**

It is a vital part of the process that services learn from the representations that are made about their provision. The process that addresses complaints will identify any areas for improvement or learning and will make suggestions for the actions that will be taken. This will be discussed and agreed at 360 Care's Clinical Executive meeting and addressed in the response. Where necessary action plans will be drawn up and responsibilities assigned. The actions will then be communicated to all relevant members of staff through the most appropriate communication channel.

#### **6. Conciliation**

For some representations it will not be appropriate, or possible, to resolve them through the process of enquiry and response. This is particularly pertinent where there has been a breakdown in the relationship between the service and the patient. In these circumstances conciliation is an option that should be considered.

360 Care will make the necessary arrangements after gaining the agreement of both parties. Conciliation is not possible without the agreement of those concerned.

Conciliation by an independent person will allow both sides to:

- Express their own views
- Think about how to put things right
- Come together to reach a solution

#### **7. Recording**

360 Care will maintain a file on each complaint, containing all reports, letters, records of meetings and any other relevant papers. In addition, an electronic database of all complaints is also maintained and stored confidentially.

#### **8. Privacy & Confidentiality**

All complaints will be managed in a confidential manner in line with 360 Care's confidentiality policy. A complainant may have worries about the complaint not being kept private. If this is

the case the detail of the complaint could be kept out of the establishment complaint file and a record placed simply giving the date of the complaint, the person making it and the date it was resolved.

**Details of a patient or service user's complaint should not be placed on their care record or their medical records.**

## **9. Audit and Monitoring**

The Interim Managers will ensure that records are kept of each complaint received including: the type of complaint, outcome of each, timescales and learning points.

The number of complaints received by the service will be reported to the Board/Clinical Executive on a quarterly basis.