

# NursingDirect

POLICY NUMBER: **95A**

POLICY TITLE: **COMPLAINTS, COMPLIMENTS & SUGGESTIONS**

WHO MUST ABIDE BY THIS POLICY? **ALL TEMPORARY WORKERS**



# COMPLAINTS COMPLIMENTS AND SUGGESTIONS POLICY

## SUMMARY

This policy outlines the complaints, suggestions and compliments process:

### Relevant legislation

- 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

## UNDERPINNING KNOWLEDGE

- Author: Legislation.gov.uk, (2009), The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. [Online] Available from: [www.legislation.gov.uk/ukssi/2009/309/contents/made?view=plain](http://www.legislation.gov.uk/ukssi/2009/309/contents/made?view=plain) [Accessed: 29/4/2020]
- Author: Parliamentary and health service ombudsman, (2017), What to do before you come to us. [Online] Available from: [www.ombudsman.org.uk/making-complaint/before-you-come-to-us](http://www.ombudsman.org.uk/making-complaint/before-you-come-to-us) [Accessed: 29/4/2020]
- Author: Local Government and Social Care Ombudsman, (2018), Single Complaints Statement. [Online] Available from: [www.lgo.org.uk/assets/attach/4355/Single%20comms2%20-%20v2.pdf](http://www.lgo.org.uk/assets/attach/4355/Single%20comms2%20-%20v2.pdf) [Accessed: 29/4/2020]
- Author: NICE, (2018), Decision-making and mental capacity - Guidelines NG108. [Online] Available from: [www.nice.org.uk/guidance/ng108](http://www.nice.org.uk/guidance/ng108) [Accessed: 29/4/2020]
- Author: Local Government and Social Care Ombudsman, (2018), Adult social care guides launched to help providers deal with complaints better. [Online] Available from: [www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better](http://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better) [Accessed: 29/4/2020]

## EQUALITY IMPACT ASSESSMENT

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.

### Purpose

- 1.1 To ensure that Nursing Direct has an effective system in place to manage complaints, suggestions and compliments.
- 1.2 To ensure that Nursing Direct complies with any legal requirements, regulations, guidelines and best practice.
- 1.3 To support Nursing Direct in meeting the following Key Lines of Enquiry:

CARING	C2: 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	R2: How are people's concerns and complaints listened and responded to and used to improve the quality of care?
SAFE	S1: How do systems, processes and practices keep people safe and safeguarded from abuse?

To meet the legal requirements of the regulated activities that Nursing Direct 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

## SCOPE

The following roles may be affected by this policy:

- All staff
- All temporary workers
- Service Users
- Family
- Advocates
- Representatives
- Commissioners
- External health professionals
- Local Authority
- NHS

## OBJECTIVES

To ensure that all complaints and suggestions 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.

To continuously improve the quality of the Service User's experience.

## COMPLAINTS

- Nursing Direct 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, family member or advocate acting on their behalf, with their consent, or in their best interests.
- Nursing Direct takes complaints seriously. We will aim to put things right that have gone wrong, to learn lessons and to avoid the issue occurring again. This policy sets out the framework for how Nursing Direct will achieve this.
- Nursing Direct will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions.

**Nursing Direct understands that it can be difficult to separate a complaint from a concern, therefore, Nursing Direct will follow this policy when any dissatisfaction arises with the service.**

- Complaints or concerns by staff or temporary workers will be addressed via the grievance process if the complaint or concern relates to them individually, or the Whistleblowing procedure where a protected disclosure is made
- Nursing Direct understands our statutory obligations in respect of the Duty of Candour

The complaints and compliments process at Nursing Direct is fair and transparent and does not discriminate directly or indirectly because of the following:

- Age
- Being or becoming a transsexual/transgender person
- Being married or in a civil partnership
- Being pregnant or on maternity leave
- Disability
- Race including colour, nationality, ethnic or national origin
- Religion, belief or lack of religion/belief
- Sex
- Sexual orientation

The complainant will be treated with courtesy, respect and compassion. Nursing Direct will ensure that the process of making a complaint, and receiving feedback is managed in a way that meets the Accessible Information Standards, and is in a format that the Service User can understand.

Seeking views and engaging service users

Nursing Direct will seek out opportunities to obtain feedback from Service Users and stakeholders.

Nursing Direct will act with sensitivity, integrity and professionalism by treating individuals who do complain or raise a suggestion with compassion, courtesy and respect.

Nursing Direct will protect the Service User's right to confidentiality.

Nursing Direct staff will undertake training on how to manage complaints in line with their role and responsibilities.

A full record will be held of all complaints received regardless of the level of seriousness, or means of communication. This approach allows an open and transparent culture around raising concerns in the earliest stage to enable swift resolution. A record of the complaint will also be held in the Service User's Care file and reported in line with contractual or regulatory requirements.

## SAFEGUARDING CONCERNS

Where a complaint or concern is raised that relates to a Service User being harmed or likely to be harmed, Nursing Direct will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from Local Authorities, and escalating concerns in line with Local Authorities' procedures. Nursing Direct will also notify CQC, and other external agencies, in line with our statutory duty, as appropriate.

## ROLES AND RESPONSIBILITIES

It is acknowledged that all staff working within Nursing Direct may be presented with an individual wishing to raise a concern or complaint at any time, therefore staff need to be able to manage this in a sensitive, structured and timely manner.

### In Order to do this Staff Will:

- Be trained as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure.
- Have access to the complaints procedure and automated system.
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care.
- Be advised that on presentation of a complaint, swift reaction is necessary; and that purposefully withholding, or concealing of concerns expressed by Service Users, or their representatives, may lead to disciplinary action.

### Nursing Direct Management Team

- The management team at Nursing Direct is responsible for ensuring compliance with this policy, improvement planning and having arrangements in place to provide relevant management reports and information regarding complaints.
- The Director of Nursing is the main point of contact for the receipt, investigation and management of complaints within Nursing Direct. However, this may be delegated to the Senior Clinician within Nursing Direct who holds the experience, knowledge and competence to investigate and manage complaints.
- Nursing Direct will ensure the procedure for raising a complaint is accessible and displayed prominently in Nursing Direct, on the website of Nursing Direct and within the Service User information and guides. Alternative languages and formats will be available on request.

### Compliments and Suggestions

Nursing Direct welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of our service, as well as opportunities for improvement.

## One Complaint, One Response

Nursing Direct will follow the Local Government and Social Care Ombudsman best practice and where Service Users are receiving services for more than one organisation, we will ensure they can make a complaint to anyone and be provided with a single response following a joint investigation.

## Raising Complaints

A complaint can be received by Nursing Direct either verbally or in writing and can be made by:

- A Service User
- Someone acting on behalf of a Service User and with their written consent, e.g. an advocate, relative, Member of Parliament
- A client, local authority, CCG, commissioner
- Other stakeholders

## Time Limits for Submitting a Complaint

Complaints should be submitted within 28 days of the incident or concern arising.

The time limit, however, can, and should be waived if:

- It is still practical and possible to investigate the complaint (the records still exist and the individuals concerned are still available to be questioned, etc.)
- The complainant can demonstrate reasonable cause for delay in making the complaint (it is at the discretion of senior management of the service if the time limit can be set aside).

## COMPLAINTS PROCEDURE

### Step 1

When a complaint is raised to staff, staff will log the complaint and make an effort to resolve it immediately to the satisfaction of the complainant.

### Step 2

Staff will apologise for the fact that there was the need to complain in the first instance and explain the complaints process as described in the procedure steps.

### Step 3

Staff will record the complaint and request the complainant completes an incident report.

### Step 4

Formal acknowledgement of all complaints received (whether verbal or written) will be sent within 3 working days to the complainant via letter or email. Nursing Direct will have a local system in place to manage out-of-hours and weekend complaints received.

### The Acknowledgement will Include:

- How the investigation will be handled, who will investigate and what the investigation will be focussed on
- A time limit for the investigation to be concluded. This will normally be 28 days; however, some cases may take longer and the complainant will be made aware of this
- The complaints procedure and contact details of bodies that can be accessed in the event of dissatisfaction with the outcome of the investigation

### Step 5

Following a full investigation, a response letter will be sent and include the following:

- A summary of the issue from the complainant's point of view.
- Details of the evidence and sources consulted in order to investigate the issue fully and fairly.
- A presentation of the findings for each issue clearly and concisely described.
- A conclusion, stating clearly whether the issue is 'substantiated', 'unsubstantiated' or 'inconclusive', unless it is ineligible, in which case the reason for this will be given, e.g. out of time or out of jurisdiction.
- An explanation of the outcome and whether any remedial action or learning points arise from the investigation.

- An apology where the issue is upheld and shortcomings or failings have been found.
- The complainant's rights if not satisfied with the outcome to refer to The Local Government and Social Care Ombudsman.
- A signature from the responsible individual or sent by email in their name.

### Step 6

The complaint will be closed once confirmation has been received that there is satisfaction with the outcome. In the event of dissatisfaction, Nursing Direct will support the complainant to access further support

## THE COMPLAINTS LOG

A record will be held of all complaints raised containing the following information:

- Each complaint received
- Subject matter and outcome
- Details of any reason for delay
- The date the outcome letter was sent to the complainant

Where complaints relate to a Service User, a copy of the complaint will be held in their care records so that the Service User can reflect on the recommendations.

Where complaints are raised by telephone, the log will include the date and time of the call and this will be followed up with written confirmation of the areas discussed.

Where a complaint indicates the potential abuse of Service Users, safeguarding policies will be followed and necessary notifications made.

Where Care is commissioned by Local Authorities, CCG's or others, their reporting procedure for notifying them of complaints will be followed.

Where complaints are to be shared as part of learning, the complaint will be anonymised to remove identifiable Service User information.

## INVESTIGATIONS

All investigations will be managed by using the following approach:

- Investigating the facts
- Assessing evidence
- Reviewing relevant records
- Interviewing those involved

Where necessary, advice and support will be sourced from senior managers within the organisation. The complaint must be investigated by a member of staff with the knowledge, experience and seniority to undertake the investigation robustly.

Confidentiality of information will be considered at all times, and staff will adhere to confidentiality policy and relevant codes of practice.

If an investigation of a complaint results in disciplinary action the complaint will continue to its conclusion. The complainant will be informed that the investigation has led to a disciplinary process, but the details of the outcome or ongoing investigation will remain confidential

## COMPLIMENTS

Receiving compliments is an opportunity to celebrate and recognise success. Nursing Direct will ensure that:

- All compliments are shared with staff and displayed in a public area to highlight good practice.
- Compliments are anonymised or permission sought before displaying.
- Numbers of compliments received are logged as part of the quality assurance programme evidence base.
- Verbal positive feedback from Service Users, and relatives, are also deemed as compliments and will be recorded and shared with colleagues.

## SUGGESTIONS

Suggestions can be made verbally or in writing, and generally are in response to seeking a means of changing practice for the better.

- Suggestions are not complaints, but in some circumstances, if they are not considered, or actioned, they could lead to a complaint.
- When suggestions are raised in a meeting, or as part of a conversation, these will be documented and then outcomes recorded to show consideration ('you said, we did').
- Staff will be encouraged to share their suggestions, or suggestions received by clients, service users and relatives.

## AUDIT AND EVALUATION

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

Nursing Direct will take an annual report to the corporate board.

Nursing Direct will also:

- Share themes and trends with Care Workers working for Nursing Direct.
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints.

## ANONYMOUS COMPLAINTS

Anonymous complaints will be investigated in the same way as named complaints. They will be logged and any corrective action necessary will be taken and also logged

### One Complaint, One Response

Where more than one organisation is involved in the Service User's Care, the Service User or their representative, will be able to complain to any organisation. A joint investigation will be carried out and a single joint response will be provided. Service Users must not have to contact each organisation separately.

If someone complains and Nursing Direct is not responsible for the care or service Nursing Direct will facilitate the complaint to be made with permission. Nursing Direct will follow LGO guidance for managing this.

All efforts will be made by the Director of Nursing to resolve all complaints within Nursing Direct. If a Service User does not wish to raise a complaint directly to management within Nursing Direct, in the first instance, staff will sensitively establish their reasons, and aim to resolve and address any concerns that present.

Decisions to raise complaints outside of Nursing Direct will be fully respected and the Service User will be supported to raise their complaint to the commissioner of the service, or to seek the support of an independent advocate or representative. Service Users can also be signposted to the Citizens advice guidance

## DEFINITIONS

### Compliment

- A compliment is an expression of satisfaction about a service the Service User has received
- Compliments are positive feedback that can be received verbally or in writing and can include expressions of praise, admiration, congratulation and encouragement

### Complaint

- A complaint is an expression of dissatisfaction, disappointment or discontent. This could be in response to an act of omission, decision or action

Complaints Can be Made in Various Ways and Include:

- Verbally
- Electronically
- Local feedback channels
- Writing

## KEY FACTS - PROFESSIONALS

Professionals providing this service should be aware of the following:

- Receipt of complaints, suggestions and compliments is everyone's responsibility and therefore you will know what to say and how to respond. You need to be able to promote an open, honest and transparent service to encourage people to feel able to give feedback and raise concerns.
- You 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.
- Any feedback received from Service Users, or their representatives, can influence positive change and quality delivery of care, and must be discussed with the management team.

## 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, make a suggestion or give a compliment.
- The process for you to raise a concern, make a suggestion or give a compliment will be simple and you will feel listened to and understood.
- Your concerns, suggestions and compliments will make a positive difference to future care at Nursing Direct.

**POLICY OWNER: ROBERT STIFF**

**POSITION: CEO**

**SIGNATURE:** *Robert Stiff*

**DATE:** 01/11/2020

**REVIEW:** 01/11/2023