

## COMPLAINTS POLICY AND PROCEDURE

### Introduction

Evoo Health Care strives to improve its service delivery and staff support and development at all times and a key part of this process is the effective, prompt and legal compliance with the receiving and dealing with complaints.

All staff members are provided with the policy and procedure in regard to complaints and undergo training and discussion in regard to raising and responding to complaints during their initial induction training and have on-going support during their employment in regard to this area during supervisions, annual appraisals, team meetings and so on. Staff will also undergo Level 2 Safeguarding training as part of their induction process.

All complaints and/or concerns once received are to be brought to the attention of the Registered Manager (unless said Manager is implicated in the complaint and then the Responsible Individual is to be immediately informed). All complaints will be logged in writing in the Evoo Health Care office and other relevant bodies, such as Care Inspectorate Wales informed via Regulation 21 notification of the Domiciliary Care Agencies (Wales) Regulations 2004 if necessary.

Details of all complaints will be stored securely in the Evoo Health Care office.

Service users and their representatives will also be made fully aware of the complaints policy and procedure prior to the commencement of service delivery.

### **THIS POLICY AND PROCEDURE IS AVAILABLE IN ALTERNATIVE FORMATS ON REQUEST**

#### **Purpose**

- The Registered Provider operates an effective mechanism for the receipt, recording, investigation and resolution of all complaints, in order to comply with the regulations.
- The arrangements for investigation of complaints are fair and transparent.
- Complaints and suggestions from service users or their relatives are a valued source of information regarding the quality of our service and are a primary source of information regarding possible abuse.
- Care Inspectorate Wales and Local Government Ombudsman guidelines are adhered to.

## Scope

Service users

Relatives

Other professional outside agencies

All employees

## Policy

- The complaints procedure will be operated in accordance with the principle that the welfare of the service user is safeguarded and promoted, and account must be taken of the known wishes and feelings of the service user.
- In all cases complaints and concerns shall be treated seriously in a sensitive and confidential manner.
- Complaints and suggestions must be handled in such a way as to first of all reach a satisfactory outcome with the complainant, and to turn a potentially difficult and damaging problem into a source of quality improvement.
- The aim of the complaints procedure is to provide an opportunity, if appropriate, for local resolution at an early stage before a complaint escalates.
- A copy of this complaints procedure will be given to all service users and their representatives at the beginning of the service, and copies will also be made available throughout the service.
- A copy of this complaints procedure will be given to all employees upon the commencement of their employment. The Registered Manager will ensure that employees are trained in how to operate the complaints procedure.
- A copy of this complaints procedure will be given to any purchasing authority which has arranged for the provision of care to a service user.
- All formal or serious complaints will be investigated by a person not related to the immediate source of the complaint.
- The recording of complaints will not be confined to “serious” or “substantial” complaints. The existence of records for complaints of an apparently minor nature is an indication of the effectiveness of the procedure, the openness of the culture of the organisation and its employees, and their vigilance in the area of abuse.
- Complaints will be recorded in service users’ files in order to identify any pattern of complaints relating to an individual, including care or service provision in order to update and review the Care Planning process.

- Complaints will be recorded centrally in order to identify any pattern of complaint relating to all or a group of service users. This record will contain minor complaints in addition to serious complaints and will be accessible to all members of staff where appropriate, unless this is a safeguarding issue. In order for this to be established, members of staff are to make appropriate entries, in a timely fashion, to Care Planning or risk assessments.
- The central information, with regards to complaints, suggestions and compliments, will be regularly reviewed and analysed. The summary will be regularly considered by the Management meeting for quality assurance purposes.
- Compliments will be recorded centrally and made available for all parties to read, also on the personnel file of any member of staff individually complemented.
- Employees who are the subject of a complaint should not communicate directly with the complainant unless accompanied by a senior member of staff, unless requested directly to do so by the complainant.
- Where the complainant gives rise to concerns regarding the wellbeing of one or more service users, serious consideration must be given to suspension of the person or persons complained about, and the investigation must be initiated immediately in order to identify any risk to the health and welfare of the service user involved.

## **Procedure**

### **Standard Arrangements**

There are several distinct levels of dealing with a complaint, and it is important for the speedy and effective resolution that each level is followed.

The principles applied are:

- Complaints are encouraged and welcomed at an early stage when there is an opportunity for local resolution.
- The nearer the person dealing with the complaint is to direct service delivery, the better the likely outcome of the complaint. That person has a better knowledge of the service and can react quickly and appropriately. An exception to this principle will be made in the case of a complaint which alleges abuse, in which case the complaint will be immediately and directly reported to a senior manager. At this point the safeguarding policy should be followed as per local authority advice and the necessary notification made to

the CIW, in compliance with Regulation 26 of the Domiciliary Care Agencies (Wales) Regulations 2004.

- If the complaint refers to the Registered Person or Responsible Individual the complainant can raise this with them directly, with the Registered Manager or alternatively directly with CIW.
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- Accepting that personalities can be a factor in complaints, the multiple stages allow this problem to be avoided.
- The complaints process will only be regarded as “completed” when the complainant or their representative has indicated, in writing if possible, that they are satisfied with the outcome of the complaint procedure.
- Complaints and suggestions will in all cases be taken seriously, recorded, their practicality/usefulness investigated, and the instigator informed of the decided outcome.
- All serious incidents and/or complaints will be subject to the submission of Regulation 26 notification to the South East Wales office of the CIW.
- The complaints procedure is available in the following places:
  - On our website
  - Clearly visible in Evoo Health Care offices
  - Sent out with all contracts for care; and
  - Included within all Service User Guides
- Investigations and outcomes will be recorded on the complaints form, adding additional sheets as required to record the outcome of the investigation and any action taken in response.
- All employees are warned that written complaints recording rules must be complied with, and those records held where they are freely available to supervisors and managers. Any attempt to conceal a complaint may give rise to formal disciplinary action.
- The complainant will be requested to examine the written records of the complaint and sign to indicate agreement with the outcome.
- The registered Manager will advise every complainant of their right to, at any time, complain to CIW or where relevant, the purchasing local authority or health authority.

- In the event of a continued disagreement which cannot be resolved internally, the complainant will be advised to approach an appropriate external authority, such as CIW, funding authorities such as Social Services or NHS, an independent advocacy service, or the Local Government Ombudsman.
- A range of advocacy services are available for service users which may be of assistance when raising a complaint. The Registered Manager should support the Service User to contact an appropriate independent advocate if the Service User shows any signs of being unable to fully make, or further pursue, the complaint.
- The completed complaints forms will then be handed to the Registered Manager for permanent filing, centrally and on the service user's file.
- The management meeting will periodically (recommended every three months) review all complaints since the previous review in order to identify trends and matters which may have appeared to be relatively minor at the time, but which indicate a deeper problem.
- The services action plan should be updated to include all actions to be taken to resolve any requirements or recommendations made following any investigation.

### **Local Resolution Arrangements**

Complaints that are dealt with locally must be resolved by the Registered Manager as soon as practical but in any event within 14 days. This time limit may be extended up to a further 14 days with the agreement of the complainant.

Where the complaint is resolved under local resolution the Registered Manager must confirm the agreed resolution in writing to the complainant.

### **Formal Consideration Arrangements**

- Complaints that are dealt with by formal consideration must be resolved as soon as practical but in any event within 35 days of the request. This time limit may be extended with the agreement of the complainant.
- The outcome of formal consideration must be confirmed in writing by the Registered Provider/Registered Manager to the complainant and must summarise the nature and substance of the complaint, the investigation, the conclusions and the action taken as a result.
- The Registered Manager must send a copy of the written response to CIW and any purchasing local authority.

- If the complaint has not been resolved within 35 days of the request, the Registered Provider/Registered Manager must notify CIW of the delay and reasons for the delay.

### **Arrangement for Complaints involving other Agencies**

- The Registered Provider/Registered Manager must consider how the complaint should be handled, in consultation with the complainant and any other appropriate person or body, where a complaint relates to any matter involving:

Potential or actual court proceedings or tribunal

Disciplinary proceedings

A person or body contemplating criminal proceedings

A convened meeting with other bodies, including the Police to discuss safeguarding issues

Investigation of proceedings under Section 117 of the Regulation and Inspection of Social Care (Wales) Act 2016.

- The consideration of such complaints may be discontinued if at any time it appears to the Registered Provider/Registered Manager that to continue would compromise or prejudice the other process. The Registered Provider/Registered Manager must notify the complainant of this decision. The consideration of the complaint can be resumed at any time and will be resumed, if requested by the complainant, when the concurrent consideration is discontinued or completed.

### **Written Procedure**

A complaint can be made by telephone; in writing; by email; or in person. All responses will be made/followed up in writing (preferably email).

Complaints in the first instance are to be made to:

Registered Manager

Evoo Health Care  
2 Alexandra Gate Business Park  
Tremorfa  
Cardiff  
CF24 2SA

Phone: 02920 448140

[evohealthcare@evohealthcare.co.uk](mailto:evohealthcare@evohealthcare.co.uk)

Complainants will receive an acknowledgement within 24 hours. In this acknowledgement they will be informed about who will be investigating the complaint.

All complaints will be dealt with by a senior person within the care organisation.

Complainants will receive (as far as reasonably practical):

- Assistance to help them understand the complaints procedure; and
- Advice on where they may obtain such assistance

The noticeboard at Evo Health Care's registered address (or other prominent public place) will include a display of advocacy services with contact details. It will be regularly reviewed, to ensure that advocacy services' contact details are up to date.

Evo Health Care will only accept complaints from a third party under certain conditions:

Either:

- Where it is known that the Service User had consented, either verbally or in writing;

or:

- Where the Service user cannot complain unaided and cannot give consent because they lack capacity within the meaning of the Mental Capacity Act 2005; and
- The representative is acting in the Service User's best interest – for example, where the matter complained about, if true, would be detrimental to the Service User.

The procedure must be available, upon request, in other languages and formats.

Investigation and resolution of all complaints will take place in a 28-day period. Should it be necessary to extend this period of the time the complainant will be contacted and informed of the reasons for an extension and provided with a conclusion date. Where applicable other relevant parties i.e. CIW, Local Authority and so on will also be informed of any delay in investigation and/or resolution.

Our service is registered with and regulated by the CIW. The CIW cannot get involved in individual complaints about providers, but it is happy to receive information about Evo Health Care's services at any time. You can contact CIW at:

CIW  
Welsh Government Office  
Sarn Mynach  
Llandudno Junction  
LL31 9RZ

Phone: 0300 790 0126      Email: CIW@gov.wales

### **Monitoring**

The following information should be recorded on a complaints log:

Each complaint received;

The subject matter and the outcome of each complaint;

Details of the reasons for delay where an investigation took longer than the agreed response period;

The date the report of the outcome of the investigation was sent to the complainant.

### **Annual Reports**

- Evoo Health Care will prepare an annual report for each year in which it will:
- Specify the number of complaints received;
- Specify the number of complaints that the provider decided were well-founded, partly or fully;
- Specify the number of complaints that the provider has been informed have been referred to other bodies;
- Give the subject matter of complaints received;
- Summarise any matters of importance in those complaints themselves or in the way that the complaints were handled;
- Summarise any matters where action has been or is to be taken to improve services as a consequence of those complaints.
- A “year” means a period of 12 months ending on 31<sup>st</sup> March.
- Providers must ensure that its annual complaint report is available to anyone on request.



## **Acknowledgement Letters**

The acknowledgement letter should include an offer to discuss the complaint with the complainant at a mutually agreed time, to go over:

- The manner in which the complaint is to be handled; and
- The period (response period) within which the investigation of the complaint is likely to be completed.

If the complainant does not accept the offer of a discussion, the provider must determine the response period (which should always be within 6 months) and notify the complainant in writing of that period.

The acknowledgement can be sent by letter or email.

Claimant's preferences will be taken into account when communicating with them.

## **Final Response Letter**

The final response letter must include a report giving:

- A detailed explanation of how the complaint has been considered;
- The conclusions reached, including any remedial action needed, and confirmation that any action needed has either already been taken or, if not yet taken, the proposed timescale when such action will be completed.
- The letter must inform complainants of their right to take their complaint to the local government office if they are not happy with the outcome.
- The final letters should be signed by the Responsible Individual or sent by email in their name.

If the response is not ready within 6 months, you should:

Notify the complainant in writing accordingly and explain the reason why: and

Send the complainant a written response in accordance with the above as soon as reasonably practicable after 6 months.

## **General Information for Staff managing Complaints**

### **People who can complain**

A complaint can be made by:

- Someone who receives or has received care services;
- Someone who is affected (or likely to be affected) by the action, omission or decision of the provider who is the subject of the complaint; or
- A representative of either of these, under certain conditions (see above).

If a provider is not satisfied that the representative is acting with the service user's consent or in their best interests, the provider must notify the representative in writing, and state the reason for its decision.

### **Complaints that do not need to be investigated**

Evoo Health Care is not required to investigate the following complaints:

- A complaint by an employee relating to their employment (which should be handled in a different way, for example through Company's grievance procedure);
- A complaint that was made in person or by telephone and is resolved to the complainant's satisfaction no later than the next working day after the day the complaint was made; and
- A complaint that has already been investigated and resolved.

In these circumstances, the provider will, as soon as reasonably practicable, notify the complainant in writing of its decision to not investigate the complaint and the reasons why. It would be best practice to have a standard letter for this purpose.

### **Duty to co-operate**

If a complaint involves more than one provider/commissioner of services there is a duty on local authorities and the NHS to co-operate and provide a single response. Every provider must work with CCGs or local authorities to provide single response to complaints.

### **Key contacts:**

#### **Responsible Individual & Company Director:**

Bekezela Nsingo – [Beke@EvooHealthCare.co.uk](mailto:Beke@EvooHealthCare.co.uk) / 02920 448140

#### **Registered Manager:**

Julie Pope – [JuliePope@EvooHealthCare.co.uk](mailto:JuliePope@EvooHealthCare.co.uk) / 02920 448140

**CIW**, Welsh Government Office, Sarn Mynach, Llandudno Junction, LL31 9RZ

Telephone: 0300 790 0126 Email: [CIW@gov.wales](mailto:CIW@gov.wales)



**Cardiff Adult Safeguarding Team**, Cardiff Council Social Service, Atlantic Wharf,  
Cardiff, CF10 4UW

**Public Services Ombudsman for Wales**, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ,  
Phone: 0300 790 0203

**Independent Advocacy Services:**

Advocacy Support Cymru (ASC), Charterhouse 1, Links Business Park, Fortran Road,  
St Mellons, Cardiff, CF3 0LT, Phone: 02920 540 444 Email: [info@ascymru.org.uk](mailto:info@ascymru.org.uk)