



Review Sheet




Last Reviewed
28/9/23



Last Amended
28/9/23



Next Planned Review in 12 months, or sooner as required.

Business impact	 <p>MEDIUM IMPACT</p> <p>Changes are important, but urgent implementation is not required, incorporate into your existing workflow.</p>
Reason for this review	Scheduled review
Were changes made?	Yes
Summary:	This policy will support staff dealing with complaints, suggestions and compliments that are received about the service. It has been reviewed with a new section added in relation to vexatious complaints and what the service should do if these arise. A new definition has also been included and references also checked to ensure they remain current.
Relevant legislation:	<ul style="list-style-type: none"> • Compensations Act 2006 • Human Rights Act 1998 • Data Protection Act 2018
Underpinning knowledge - What have we used to ensure that the policy is current:	<ul style="list-style-type: none"> • Author: Local Government and Social Care Ombudsman, (2018), <i>Adult social care guides launched to help providers deal with complaints better</i>. [Online] Available from: https://www.lgo.org.uk/information-centre/news/2018/jul/adult-social-care-guides-launched-to-help-providers-deal-with-complaints-better [Accessed: 2/9/2021] • Author: NICE, (2018), <i>Decision-making and mental capacity - Guidelines NG108</i>. [Online] Available from: https://www.nice.org.uk/guidance/ng108 [Accessed: 2/9/2021] • Author: Parliamentary and health service ombudsman, (2017), <i>What to do before you come to us</i>. [Online] Available from: https://www.ombudsman.org.uk/making-complaint/before-you-come-to-us [Accessed: 2/9/2021] • Author: Legislation.gov.uk, (2009), <i>The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</i>. [Online] Available from: https://www.legislation.gov.uk/ukSI/2009/309/contents/made?view=plain [Accessed: 2/9/2021] • Author: Local Government and Social Care Ombudsman, (2018), <i>Acting on compliments, feedback and complaints about adult social care - a good practice guide for adult social care practitioners</i>. [Online] Available from: https://www.lgo.org.uk/assets/attach/4355/Single%20comms2%20-%20v2.pdf [Accessed: 2/9/2021]
Suggested action:	<ul style="list-style-type: none"> • Encourage sharing the policy through the use of CBAT communications
Equality Impact Assessment:	CBAT 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.



1. Purpose

- 1.1** To ensure that CBAT has an effective system in place to manage complaints, suggestions and compliments.
- 1.2** To ensure that CBAT complies with any legal requirements, regulations, guidelines and best practice.
- 1.3** To meet the legal requirements of the regulated activities that CBAT 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
 - Data Protection Act 2018



2. Scope

- 2.1** The following roles may be affected by this policy:
- All staff
- 2.2** The following Clients & Learners may be affected by this policy:
- Client & Learners
- 2.3** The following stakeholders may be affected by this policy:
- Advocates
 - Representatives
 - Commissioners
 - External health professionals
 - Local Authority
 - NHS



3. Objectives

- 3.1** To improve the quality of the Client & Learner experience.
- 3.2** 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.



4. Policy

4.1 Complaints

- CBAT understands complaints to be an expression of dissatisfaction requiring a response, communicated verbally, electronically, or in writing. Complaints may be made by any Client and or learner.
- CBAT takes complaints seriously. We will aim to put things right that have gone wrong and learn lessons to avoid the problem happening again. This policy sets out the framework for how CBAT will achieve this. The detail of how CBAT will do this will be found in the associated procedures
- CBAT will comply with legislation, national guidelines, regulation and best practice when managing complaints and suggestions. A systematic approach will be taken with all aspects of complaints and suggestions
- 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
- CBAT understands its statutory obligations in respect of the Duty of Candour and will ensure it follows the agreed policy and procedure

4.2 CBAT will ensure that its complaints and compliments process 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 feel free to complain without fear of reprisal and will be treated with courtesy, respect and compassion. CBAT 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 Client and or Learner can understand.

4.3 Seeking Views and Engaging with Service Users

CBAT will seek out opportunities to obtain feedback from Clients, Learners, and stakeholders. CBAT will act with sensitivity, integrity and professionalism by treating individuals who do complain or make a suggestion with compassion, courtesy and respect. CBAT will protect the Client's and Learners right to confidentiality. CBAT will ensure that alternative methods of communication are available so that the complaints and suggestions procedures are accessible for Clients & Learners who experience difficulties with communication or whose first language is not English.

Staff will undertake training on how to manage complaints in line with their roles and responsibilities.

4.4 CBAT understands that it can be difficult to separate a complaint from a concern and, therefore, CBAT will follow this policy when there is any dissatisfaction with the service.

4.5 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. A record of the complaint will also be held in the Clients file and will be reported in line with contractual or regulatory requirements.

4.6 Safeguarding Concerns

Where a complaint or concern is raised that relates to a Client or Learner being harmed or likely to be harmed, CBAT will follow its Safeguarding Policy and Procedures in addition to the complaints procedures, seeking advice and guidance from the Safeguarding Adults Team or Children's Safeguarding Partnerships and escalating concerns in line with local procedure.



4.7 Roles and Responsibilities

All Staff

It is acknowledged that all staff working within CBAT 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 on induction and as a routine measure to ensure knowledge is embedded and refreshed around the complaints procedure
- Have access to the complaints procedure
- Be provided with the opportunity to reflect and learn from complaints as a means of developing and driving quality care
- Appreciate that any feedback from Clients, Learners or their representatives that is of concern needs immediate resolution, where possible, to their satisfaction.
- Be clearly advised that, when presented with a complaint, swift escalation to management is necessary and that purposefully withholding or concealing concerns expressed by Clients, Learners or their representatives may lead to disciplinary action

Management Team at CBAT

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

4.8 Compliments and Suggestions

CBAT welcomes compliments and suggestions and recognises their importance in celebrating and recognising the success of its service and opportunities for improvement. We will engage with a wide range of stakeholders in addition to Clients & Learners to support service development and improvement. We will share feedback with our staff.



5. Procedure

5.1 Raising Complaints

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

- Client or Clients Representative
- Learner
- Awarding Body
- Associate Trainer

CBAT will ensure that information on how to make a complaint and the process once a complaint has been made, including any agreed timescales.

5.2 Time Limits for Submitting a Complaint

Complaints should be submitted within 12 months 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.) and
- The complainant can demonstrate reasonable cause for delay in making the complaint

It is at the discretion of the Manager of the service if the time limit can be set aside.

5.3 Complaints Procedure:

Step 1

When a complaint is raised to staff, staff will 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 report the complaint to the most senior member of staff on duty and the complaint will be logged.

Step 4

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

The acknowledgement will include:

- An invitation to meet and discuss the complaint
- Who will be investigating the complaint
- How the investigation will be handled - the response should state what the investigation will be focused on
- A time limit for the investigation to be concluded. This should 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 this will 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 "upheld", "partially upheld" or "not upheld"; 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 of that issue
- 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, CBAT will support the complainant to access further support (refer to section 5.6)

5.4 The Complaints Log

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

- Each complaint received
 - Subject matter and outcome
 - Details of any reason for delay where investigations took longer than the agreed response period
 - The date the report of outcome was sent to the complainant
- 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 complaints are to be shared as part of learning, the complaint will be anonymised so there is no identifiable Service User information.

5.5 Investigations

All investigations will be managed by using the following approach:

- Investigating the fact
- Assessing evidence
- Review of records
- Interviewing those involved

Where necessary, advice and support will be sourced via 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 the confidentiality policies and relevant codes of practice.

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

5.6 Unresolved Complaints

There are many bodies that can support with, or will need to be informed of, unresolved complaints and it is important to note that, due to the current coronavirus pandemic, helpline opening times and ways of communicating may vary across each organisation:

1. The Care Quality Commission

The Care Quality Commission will not investigate complaints on behalf of individuals but does like to be informed of any concerns regarding a care provider, such as poor care that has been seen or experienced. Information given to the CQC will help to prevent others from going through the same experience and can be fed back via:

- Website www.cqc.org.uk
- Email enquiries@cqc.org.uk
- Address: Care Quality Commission (CQC)
National Correspondence
Citygate, Gallowgate
Newcastle upon Tyne NE14PA
Tel: 03000 616161



Fax: 03000 616171

2. The Local Government and Social Care Ombudsman (for those Service Users that are funded by local authority-funded social services care or self-funded)

Individuals have the right to raise their complaint with the Local Government and Social Care Ombudsman. This is a free service and individuals can contact their Local Government and Social Care Ombudsman via: The Local Government and Social Care Ombudsman

PO Box 4771

Coventry CV4 0EH

Tel: 0300 061 0614

Email: advice@lgo.org.uk

Website: <https://www.lgo.org.uk/>

Complaint form: <https://www.lgo.org.uk/complaint-form>

Individuals must be advised that the Local Government and Social Care Ombudsman will not investigate the complaint until the provider has had the opportunity to respond and resolve the matter in the first instance.

3. Parliamentary and Health Service Ombudsman (for Service Users that are NHS funded)

Individuals have the right to raise a concern about a service that is NHS funded. This is a free service and individuals can make contact via:

- Telephone 0345 0154033
- Email phso.enquiries@ombudsman.org.uk
- Website www.ombudsman.org.uk
- Address: Parliamentary and Health Service Ombudsman, Millbank Tower, 30 Millbank, Westminster, London, SW1P 4QP

Mrs Elaine Warber can also signpost individuals to Healthwatch and the local Independent Complaints Advocacy Service (ICAS).

4. Clinical Commissioning Groups (now Independent Commissioning Boards)

Individuals can make a complaint about a health service they are receiving or have received and can discuss this with the commissioner of the service. Local contact details can be located [here](#).

5. Local Authority Complaints Teams

Individuals have the right to raise concerns and complaints about adult social care regardless of whether or not they pay for their own care or if the Council funds it. Individuals can make a complaint about organisations who provide services on the Council's behalf.

If a complaint involves the serious misconduct of a healthcare professional, their relevant professional body can be informed and this is determined on an individual case basis in discussion with the Registered Manager.

For any external bodies managing complaints, CBAT will work with the external body providing information as requested, within any agreed timescales expected.

5.7 Compliments

Receiving compliments is an opportunity to celebrate and recognise success. CBAT 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 Clients and Learners is also deemed a compliment and will be recorded and shared with colleagues

5.8 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 meetings or as part of a conversation, these will be documented and then outcomes of such suggestions recorded to show consideration
- Staff will be encouraged to share their suggestions.
- Mrs Elaine Warner at CBAT will consider implementing a suggestions system to encourage comments from Clients, staff and visitors

5.9 Audit and Evaluation

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

CBAT will also:

- Share themes and trends with staff working for CBAT
- Ensure that staff are trained to deal with complaints and understand the procedure for managing complaints

5.10 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.

5.11 All efforts will be made by Mrs Elaine Warner to resolve all complaints within CBAT.

5.12 Vexatious Complaints

Occasionally, CBAT may receive complaints that are vexatious in that they cause considerable disruption to the work at CBAT, disproportionate cost and time to handle, and impact the wellbeing of staff (because of the way the complaint is made or because of its repetitive nature).

CBAT will ensure that it meets the requirements of the Equality Act 2010 to make 'reasonable adjustments' for disabled learners. In some circumstances, learners may have a disability that makes it difficult for them to either express themselves or communicate clearly and/or appropriately. Where there is an indication that this may be the case, CBAT will consider the needs and circumstances of the learner or complainant in the first instance and use this information to inform any decisions that are made.

Where appropriate, CBAT will consider complaints to be vexatious, but would not label an individual complainant as vexatious. Even if CBAT decides that an individual's complaint about the service is vexatious, that does not preclude that person from making a formal complaint. CBAT would still consider any such complaints in line with the usual procedures, as outlined in this policy. To help decide whether a complaint is vexatious CBAT will consider the full history and context of interactions with the individual making the complaint, and will look at both the nature of the complaint and the manner in which it is made. The particular issues that will inform a decision will include whether:

- The primary purpose and/or effect of the complaint is to disturb, disrupt and or/pressurise CBAT, its staff or an individual member of staff.
- The primary purpose and/or effect of the manner in which the complaint is made is to disturb, disrupt and or/pressurise the CBAT, its staff or an individual member of staff
- The complaint is otherwise clearly unreasonable

If at any point in the handling of a complaint a member of staff believes it meets the criteria to be deemed vexatious, it must be referred to the Managing Director with a summary of why it is thought to be vexatious. Mrs Elaine Warner will consider the complaint, seek external advice if appropriate, and will either declare the complaint as being vexatious or not. Where a complaint is not deemed to be vexatious it will be returned to the appropriate point in the complaints handling process.

If a complaint is deemed to be vexatious, the Managing Director will respond directly to the complainant explaining why it is thought to be so and will explain that the complaint will be closed with no further action. The Managing Director will also consider if the making of a vexatious complaint also requires the application of a restriction on communication following unreasonable behaviour.

The decision to declare a complaint as vexatious will be recorded in the complaints register for future reference.

Any declaration that refers to the specific complaint being vexatious and any further complaints from the same individual will still be considered.



6. Definitions

6.1 Compliment

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

6.2 Complaint

- A complaint is an expression of dissatisfaction, disappointment or discontent. This could be in response to an act of omission, decision or act
- Complaints can be made in various ways and include:
 - Verbally
 - Electronically
 - Local feedback channels
 - Writing

6.3 Vexatious Complaint

- A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation, frivolous, repetitive, burdensome or unwarranted



Further Reading

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 materials:

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

<https://www.ombudsman.org.uk/about-us/our-principles/principles-good-complaint-handling>

CBAT
Rufford House, 52 Bath Street, Southport, PR9 0DH

1. Introduction

We always aim to provide a high standard of training to all our Clients and Learners.

Your views are important to us and help to ensure our services are consistently meeting people's educational needs. If you are unhappy with any of our services, it is important that you let us know.

2. Making a Suggestion

Often people feel more comfortable suggesting improvements than complaining formally. Suggestions can be made by anyone receiving services.

To make a suggestion you can:

- Speak to our Operations Director, Mrs Elaine Warner

CBAT

Rufford House

52 Bath Street,
Southport,
Merseyside
PR9 0DH

01772 816922

3. Making a Complaint

We aim to handle complaints quickly, effectively and in a fair and honest way. We take all complaints seriously and use valuable information from investigating to help us improve the service we provide. We treat all complaints in confidence.

CBAT assures Clients and Learners that it will not withdraw or reduce services because someone makes a complaint in good faith.

4. Who Can Complain

Anyone affected by the way CBAT provides services can make a complaint.

If you are not happy about making a complaint yourself and you do not know someone who can talk or write to us on your behalf, we will be happy to find someone from an independent organisation to act as an advocate for you.

5. How You Can Make a Complaint

You can complain:

- In person
- By telephone
- Through a member of our staff
- Through an advocate or representative

Where someone complains verbally, we will make a written record and provide a copy of it within 3 working days

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- By letter
- By email

6. Anonymous Complaints

We deal with anonymous complaints under the same procedure. However, it should be noted, if you provide contact details, we can update you on the outcome of our investigation.

7. Responsibility

The Managing Director has overall responsibility for dealing with all complaints made about their service.

We will provide, as far as is reasonably practical:

- Any help you need to understand the complaints procedure
- Advice on where you may get that help
- Information about making a complaint in a way you can understand

8. How We Handle Complaints

The Managing Director or CBAT may ask one of the management team to investigate the complaint. That person will have enough seniority and experience to deal with the issues raised by the complaint.

We will formally acknowledge a complaint within **3** working days and give you the name and contact details of the person investigating it.

We will keep you informed about the progress of the investigation. We aim to have all complaints finished within **28 working days** unless we agree a different time scale with you.

When we have finished investigating, we will arrange to meet with you to discuss the outcome, and write to you with:

- Details of the findings
- Any action we have taken
- Our proposals to resolve your complaint

9. Time Limits

You should complain as soon as you can after the date on which the event occurred or came to your notice. If you complain more than twelve months later, we may not be able to investigate properly. However, we will consider whether you had a good reason for not making the complaint sooner and whether, despite the delay, it is still possible to investigate the complaint effectively and fairly.

10. Further Steps

1. At any stage during the process, if you are not happy with the way CBAT is dealing with your complaint you can contact the Managing Director at:

CBAT

Rufford House

52 Bath Street,
Southport,
Merseyside
PR9 0DH

01772 816922

2. Once we have dealt with your complaint, if you are not happy with the outcome you can refer your complaint to the Local Governm

and Social Care Ombudsman and ask for it to be reviewed. The Local Government and Social Care Ombudsman provides a free independent service.

You can contact them at:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry CV4 0EH
Tel: 0300 061 0614
Email: advice@lgo.org.uk
Website: <https://www.lgo.org.uk/>
Complaint form: <https://www.lgo.org.uk/complaint-form>

NB: The Ombudsman will not normally investigate a complaint until the provider has had an opportunity to respond and resolve matters.

***We can provide this policy in other languages or in other formats on request.**