COMPLAINTS

1. PURPOSE

A complaint is an expression of dissatisfaction, whether justified or not.
Aberness Recruitment Agency aims to deliver high quality healthcare 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 clients and their families or representatives are dealt with as they arise. We recognise 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 patients. This may be trained staff, Care Assistants, Support Workers or Personal Assistants. 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. SCOPE

This policy applies to all employees within Aberness Recruitment Agency, clients and other professional multi disciplinarians outside our agency.

3. POLICY

a. In all cases complaints and concerns shall be treated seriously in a sensitive and confidential manner.
b. Complaints and suggestions will 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.
c. A copy of this complaints procedure will be given to all Clients and their representatives at the beginning of the service in their introductory pack, and copies will also be made available throughout the service.
d. We will deal with complaints promptly. We will acknowledge receipt of a written complaint within five working days and we will send a full reply within 20 working days of receipt. If we cannot send a full reply within 20 working days of receipt we will explain the reason why and inform the complainant when we will be able to reply in full.

COMPLAINTS

e. We will not treat you less favourably than anyone else because of your:
   - sex or marital status: this includes family status, responsibility for dependants, and gender (including gender reassignment, whether proposed, commenced or completed)
   - sexual orientation
   - colour or race: this includes ethnic or national origin or nationality
   - disability
   - religious or political beliefs, or trade union affiliation, or
   - other unjustifiable factors, for example language difficulties or age.

f. All formal or serious complaints will be investigated by one of the line managers or directors of Aberness Recruitment Agency, a person not related to the immediate source of the complaint.

g. Complaints will be recorded on Client's 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.

h. Complaints will be recorded centrally in order to identify any pattern of complaint relating to all or a group of Clients.

i. The central information, with regards to complaints, suggestions and compliments, will be regularly reviewed and analysed every month. The summary will be regularly considered by the Management Meeting for quality assurance purposes.

j. Compliments will be recorded centrally and made available for all parties to read, also on the personnel file of any member of staff individually complimented.

k. 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.

l. Where the complaint 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 an investigation must be initiated immediately in order to identify any risk to the health and welfare of the Service User involved.

m. All complaints received will be dealt with confidentially and in accordance with the requirements of the data protection act 1998.

n. All staff will be trained in dealing with and responding to complaints. The Complaints Policy training will be included in induction training for all new employees. A copy of the Complaints Policy is in the Employee Handbook.

4. THIRD PARTY REPORTING

Complainants may wish to have a third party act on their behalf. A third party is any person or organisation acting on behalf of or making enquiries for the complainant. Representatives may include:

- advice organisations,
- professionals such as social workers, community psychiatric nurses or doctors, solicitors
- family members or friends
- MPs and elected members of the Council - customers' own MPs and elected members are assumed to have consent to act and information can be disclosed in response to their enquiries,
- Attorneys are legally empowered to act on behalf of the complainant and consent to disclose information is not required.

Where a third party is helping a complainant with a particular complaint and written authority is held to that effect, if the representative asks to be kept informed of progress on the complaint all possible steps will be taken to ensure that this happens.

PROCEDURE

HOW TO COMPLAIN

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

Oral Complaints

- All oral complaints, no matter how seemingly unimportant, should be taken seriously. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
- Front line 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 line 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 a service user by an advocate it must first be verified that the person has permission to speak for the service user, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the service user when they may not. If in doubt it should be assumed that the service user's 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. A copy of the complaint along with the action taken should be documented in the service user's care plan as well as a full report given to the line manager of Aberness Recruitment Agency. This

information will be kept within the Complaints file and audited monthly. The line manager will also contact the service user at an arranged time to discuss if the complaint and the action taken was acceptable.

- 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 to the establishment and give them a copy of the complaints procedure and form for completion.
- In both cases details of the complaints should be recorded on a complaints form and handed to the line manager of Aberness Recruitment Agency.

Written Complaints

- When a complaint is received in writing it should be passed on to the appropriate line manager of Aberness Recruitment Agency immediately. The complaint will be recorded in the complaints file and an Acknowledgment Letter sent to the complainant within two working days. The line manager will be the named person who deals with the complaint through the process.
- If necessary, further details should be obtained from the complainant. If the complaint is not made by the service user but on the service user's behalf, then consent of the service user, preferably in writing, must be obtained from the complainant.
- A leaflet detailing the procedure should be forwarded to the complainant.
- If the complaint raises potentially serious matters, advice should be sought from a legal advisor for Aberness Recruitment Agency. If legal action is taken at this stage any investigation by our agency under the complaints procedure will cease immediately.
- If the complainant is not prepared to have the investigation conducted by Aberness Recruitment Agency he or she will be advised to contact the Care Inspectorate or Contracts Officers in their area.
- Immediately on receipt of the complaint Aberness Recruitment Agency 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 20 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 (apologising 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.
- Aberness Recruitment Agency will follow up on the complaint 2 months after the initial complaint was made. The line manager dealing with the complaint will contact the complainant to discuss if any actions taken from the complaint have improved the service we supply and if they are entirely satisfied all actions have been carried out. This will be documented along with the complaint in the complaints log and signed and dated.
- Aberness Recruitment Agency will discuss complaints and their outcomes at the monthly management 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

ACTIONS FOR COMPLAINTS

When we get things wrong, Aberness Recruitment Agency will act to:

a. Accept responsibility
b. Explain what went wrong and why
c. Put things right by making changes required

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

COMPLAINTS

- 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

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 practise.

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
- Final follow up information (2 months after report concluded)

A monthly complaints Log will be kept of all complaints received. This will have:

- All complaints received in the month
- Subject matter and outcome of each complaint
- Details of the reason for delay where an investigation took longer than the required response time (i.e. 20 working days from date of complaint)
- The date the report of the outcome of the investigation was sent to the complainant

ANNUAL REPORTS

Aberness Recruitment Agency will keep a copy of all complaints received no matter how small. Each month an audit will be carried out of all complaints and stage of progress. This will be documented on the Complaints Log and discussed at the director's monthly management meeting. At the end of December 31st each year, all accidents for the past 12 months will be audited and a report completed. This report will be available to anyone on request. The report will include:

- The number of complaints received

COMPLAINTS

- The number of complaints that were well-founded, partly or fully
- The number of complaints that have been referred to another body (e.g. the Care Inspectorate)
- The subject matter of the complaints received
- Summary of any matters of importance from the complaints received or in the way the complaints were handled
- Summary of action taken to improve services due to complaints received

CARE INSPECTORATE

If the complainant is not satisfied with the outcome of their complaint, they are able to make a complaint to the Care Inspectorate. The Care Inspectorate can be contacted at any time, not just if unhappy with the outcome of a complaint.

Complaints can be sent to concerns@careinspectorate.gov.scot; or
Care Inspectorate
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Tel No: 0345 600 9527

CONTRACTS TEAM

NHS Highland
Assynt House
Beechwood Park
Inverness
IV2 3BW
Tel No: 01463 717123

RESPONSIBILITY

All those persons referred to within the scope of this policy are required to be familiar with the terms of this policy.
Maintenance, regular review and updating of this policy is conducted and agreed by the Director. Revision, amendments and alterations to the policy can only be implemented following consideration and approval by the Director of Aberness Recruitment Agency.