



## Complaints Policy

### Policy Statement

The law requires care providers to have an effective system in place to identify, receive, handle and respond appropriately to complaints and comments made by clients, or persons acting on their behalf.

To show legal compliance the company must:

1. bring the complaints system to the attention of clients and people acting on their behalf in a suitable manner and format
2. facilitate the making of complaints when one is being made
3. fully investigate all complaints and (where relevant) work with other services where the complaint is of a joint nature to address the issues raised
4. ensure that clients have access to and the help of an independent advocacy service, which they might need in order to make a complaint where they lack the capacity or means to make the complaint without such assistance. An advocate can assist the person at all stages in the complaints process. (See also the separate policy on advocacy)

Where appropriate Eximius will also refer users to the leaflet published by the CQC, *How to Complain about a Health or Social Care Service*.

This policy should be read and used in relation to other policies on:

1. Client Feedback
2. Assessing and Monitoring the Quality-of-Service Provision
3. Safeguarding Clients from Abuse or Harm.

Eximius acts on the principle that if a client or anyone who acts in their best interests wishes to make a complaint or register a concern, they should find it easy to do so. It is the Eximius' policy to welcome complaints and look upon them as an opportunity to learn, adapt, improve, and provide better services. This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by clients and their relatives and carers are taken seriously.

The policy is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. It is not the same as Eximius' disciplinary policy. However,



Eximius understands that failure to listen to or acknowledge complaints could lead to an aggravation of problems, client dissatisfaction and possible litigation.

Eximius supports the principle that most complaints, if dealt with early, openly and honestly, can be sorted at a local level, ie between the complainant and the company. If this fails due to the complainant being dissatisfied with the result, Eximius respects the right of the complainant to take the complaint to the next stage by seeking a review with the relevant reviewing body of how the complaint was addressed.

The aim is always to make sure that the complaints procedure is properly and effectively implemented and that clients feel confident that their complaints and worries are listened to and acted upon promptly and fairly.

## The Complaints Procedure

### Stage one: local resolution

Eximius works on the basis that wherever possible, complaints are best dealt with directly with the clients by its staff and management, who will arrange for the appropriate enquiries to be made in line with the nature of the complaint. This can involve using an independent investigator as appropriate or if the complaint raises a safeguarding matter a referral to the local safeguarding adult's authority.

### Stage two: complaints review

In line with national guidance Eximius then recognises that if the complaint is still not resolved, the complainant has a right to take their complaint to the body responsible for the commissioning of the service eg local authority and / or health service (again depending on the nature of the complaint and type of service involved).

### Stage three: independent external adjudication

If complainants are still dissatisfied with the management and outcome of their complaint Eximius is aware that they can refer the matter to Local Government Ombudsman / Health Service Ombudsman / in respect of some private health care providers through the Independent Healthcare Advisory Services (IHAS) for external independent adjudication.

## Role of the Care Quality Commission

Eximius makes its users aware that the Care Quality Commission does not investigate any complaint directly, but it welcomes hearing about any concerns. It accordingly provides users with information about how to contact the CQC by referring them to the CQC's leaflet



“How to Complain about a Health or Social Care Service” (July 2013)”, (available on the CQC website).

Eximius also sends to the CQC any information about complaints requested or required as part of CQC’s compliance reviewing policy.

## Safeguarding Issues

In the event of the complaint involving alleged abuse or a suspicion that abuse has occurred, Eximius refers the matter immediately to the local safeguarding adults authority, which will usually call a strategy meeting to decide on the actions to be taken next. This could entail an assessment of the allegation by a member of the Safeguarding Authority team. (See the Safeguarding Clients from Abuse or Harm policy.)

## Verbal Complaints

Eximius adopts the following procedures for responding to complaints and concerns made verbally to staff or to Eximius’s managers.

1. All verbal complaints, no matter how seemingly unimportant, are taken seriously.
2. Front-line care staff who receive a verbal complaint are instructed to address the problem straight away.
3. If staff cannot solve the problem immediately, they should offer to get the manager to deal with the problem.
4. All contact with the complainant should be polite, courteous, and sympathetic. There is nothing to be gained by staff adopting a defensive or aggressive attitude.
5. At all times staff should remain calm and respectful.
6. Staff should not make excuses or blame other staff.
7. If the complaint is being made on behalf of the client by an advocate it must first be verified that the person has permission to speak for the client, especially if confidential information is involved. It is very easy to assume that the advocate has the right or power to act for the client when they may not. If in doubt it should be assumed that the client’s explicit permission is needed prior to discussing the complaint with the advocate.
8. After talking the problem through, the manager or the member of staff dealing with the complaint will suggest a course of action to resolve the complaint. If this course of action is acceptable then the member of staff will clarify the agreement with the



9. complainant and agree a way in which the results of the complaint will be communicated to the complainant (ie through another meeting or by letter).
10. If the suggested plan of action is not acceptable to the complainant, then the member of staff or manager will ask the complainant to put their complaint in writing and give them a copy of the Eximius' complaints procedure.
11. Details of all verbal complaints are recorded in the complaints book by the staff or managers who receive the complaint and on the individual's care records with information on how a specific matter was addressed.

## Written Complaints

Eximius adopts the following procedures for responding to written complaints.

### Preliminary steps

1. When a complaint is received in writing it is passed on to a named person / complaints manager who records it in the complaints book and sends an acknowledgment letter within two working days, which describes the procedure to be followed.
2. Alison Kingston or Kate Hetzel deals with the complaint throughout the process.
3. If necessary, further details are obtained from the complainant. If the complaint is not made by the client but on the client's behalf, then consent of the client, preferably in writing, is obtained from the complainant.
4. If the complaint raises potentially serious matters, advice will be sought from a legal advisor. If legal action is taken at this stage any investigation under the complaint's procedure should cease immediately pending the outcome of the legal intervention.
5. A complainant, who is not prepared to have the investigation conducted by Eximius or is dissatisfied with the agency's response to the complaint is advised to contact the organisation or organisations responsible for commissioning their services (local authority / and or health service) for a review of their complaint.
6. The complainant then has the option of taking the matter to independent external adjudication and will be referred to the information provided by the CQC in its leaflet "How to Complain about a Health or Care Service" (July 2013)



## Investigation of the Complaint

1. Immediately on receipt of a written complaint Eximius will launch an investigation and aims within 28 days to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned.
2. If the issues are too complex to complete the investigation within 28 days, the complainant will be informed of any delay and the reason for the delay.

## Meeting

1. If a meeting is arranged the complainant is advised that they may, if they wish, bring a friend or relative or a representative such as an advocate.
2. At the meeting a detailed explanation of the results of the investigation is given and an apology if it is deemed appropriate (apologizing for what has happened need not be an admission of liability).
3. Such a meeting gives the organization the opportunity to show the complainant that the matter has been taken seriously and has been thoroughly investigated.

## Follow-up action

1. After the meeting, or if the complainant does not want a meeting, a written account of the investigation is sent to the complainant.
2. This includes details of how to take the complaint to the next stage if the complainant is not satisfied with the outcome.
3. The outcomes of the investigation and the meeting are recorded in the complaints book and any shortcomings in procedures are identified and acted upon.
4. The management reviews all complaints to determine what can be learned from them. It regularly reviews the complaints procedure to make sure it is working properly and is legally compliant.

## Training

All care staff are trained to respond correctly to complaints of any kind. Complaint's policy training is included in the induction training for all new staff and updated as indicated by any changes in the policy and procedures and in the light of experience of addressing complaints.



Signed	Maria Climie
Date	1 <sup>st</sup> December 2022
Review Date	1 <sup>st</sup> December 2023

*Eximius Live-in-care Ltd aims to encourage a supportive and inclusive culture for all our employees. It is within our best interest to promote diversity and eliminate discrimination in the workplace.*

*Our Company policy reinforces our commitment to providing equality and fairness to all in our employment and not provide less favorable facilities or treatment on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, ethnic origin, colour, nationality, national origin, religion or belief, or sex and sexual orientation. We are opposed to all forms of unlawful and unfair discrimination.*