

1. Procedure Statement

- 1.1. We are committed to providing as high quality a service as possible to the people we support, their families and representatives. We recognise that feedback of all kinds helps us to learn and improve what we do. We will make every effort to let people know how important their feedback is to us, whether they are happy or unhappy with how we work and services we provide.
- 1.2. We will provide everyone we support and their relatives with information on this procedure in the format of their choice and will make reasonable adjustments to ensure information is accessible to everyone. This includes versions in languages other than English. Where we don't have a requested version in stock, we will do our best to produce a version in as quick a time as possible.
- 1.3. We support the principles of the NHS England 'Ask Listen Do' project which is aimed at supporting organisations to learn from and improve the experiences of people with a learning disability, autism or both, their families and carers when giving feedback, raising a concern or making a complaint (see Appendix 1: Ask Listen Do).

2. Definitions

- 2.1. 'A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf affecting an (individual) or group of (people)¹'.
- 2.2. A concern is a feeling or worry about something not being done or done in a way that could lead to someone's detriment. The person raising the issue may wish not to do so in a formal manner i.e. complaint, but in our investigations we may feel that it should be treated as a complaint, due to the impact of the matters raised.
- 2.3. A compliment is an expression of praise, commendation, respect or regard. Where we receive compliments we will ensure that these are quickly communicated to the colleagues involved and their managers in the wider organisation.

3. GDPR

- 3.1. Information held about complaints will be held and processed in line with the principles of the Data Protection legislation; details about this are reflected in our Privacy Notice. Statistical reports will be produced to monitor trends, but individuals will not be identified in these reports.

4. Compliance with Policy and Procedure

- 4.1. If this guidance is not followed, the people we support, and their representatives might lose confidence in the organisation. They might lose confidence in you personally. They might go to another provider for support. Not following this policy may make people less likely to give honest feedback, and this would make it harder for us to improve the quality or our services.

¹ Housing Ombudsman's Complaint Handling Code – July 2020

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Our regulators may also take appropriate action in line with their powers and derestriction. Our regulators are:

- The Local Authority (LA);
- The Care Quality Commission (CQC);
- The Charities Commission (CC);
- The Regulator of Social Housing (RSH), and Housing Ombudsman;
- The Information Commissioner's Office (ICO).

4.2. They might serve a requirement or warning notice. They would probably include the failing in their inspection report, and this would have a negative impact on our reputation.

4.3. If you are a Registered Manager, your current and future registration could be affected and some information/actions are supported by fines. Your actions in dealing with a complaint may be investigated by the Local Government and Social Care Ombudsman. You will need to show that you have followed this policy.

5. Contents

5.1. This guidance is broken down into the following:

- Making it easy to complain and give a compliment;
- Dealing with and investigating a concern or complain;
- Reasons why we might not investigate a complaint;
- Appeals;
- Recording and monitoring.

6. Making it easy to complain and give a compliment

6.1. If you are an employee, you should make sure that people who want to raise a concern or complaint or give a compliment find it easy to do and that you:

- Ask people about their experiences on a regular basis;
- Provide information in a format that is helpful to them;
- Put people at ease;
- Resolve the issue as quickly as possible;
- Keep people informed about the progress of investigations;
- Provide people who make complaints with full explanations and apologies when appropriate, and
- Offer opportunities for people to tell us about their experience of making a complaint, so that we can learn.

6.2. Anyone affected by the way Avenues provides services can make a complaint. You can make a complaint or raise a concern:

- In person;
- Through a team member or colleague;
- Through an advocate or representative;
- By telephone – complaints telephone line: 020 3535 0564;

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- By letter;
- By email to the manager, or to the complaints officer email address:
complaints@avenuesgroup.org.uk
- You can also make a complaint via our website:
<https://www.avenuesgroup.org.uk/>

6.3. We have accessible version of this policy & procedure see Appendix 2: Tell Us – How to Raise a concern, make a complaint, and let us know what you think about what we do. This is also available in spoken form.

6.4. Anonymous complaints should be managed under the same procedure as complaints that aren't anonymous. However, it is better if contact details are provided, so we can tell the complainant the outcome of our investigation and ask them how well their complaint was handled.

6.5. A representative may complain on behalf of a person we support if:

- The person has given consent for the representative to act on their behalf, or;
- The person cannot complain unaided and cannot give consent because they lack capacity, or;
- The representative is acting in the person we support's best interests – for example, where the matter complained about, if true, would be detrimental to the person.

6.6. If you are not satisfied that the representative is acting with the person we support's consent or in their best interests, you must notify the representative in writing, and state the reason.

6.7. If someone complains on behalf of a person we support, we will involve the person as much as possible, we will always be mindful of not sharing data about a person without their consent.

6.8. If a person wishes to appoint an advocate, or you feel they may benefit from an advocate's help in making a complaint, you should do all you can to help them appoint one. Example national advocacy agencies include:

- **The Advocacy People** – contact details:
<https://www.theadvocacypeople.org.uk/> / Tel: 0330 440 9000
- **PoHWER** – contact details:
www.pohwer.net / Tel: 0300 456 2370

But bear in mind, there will be smaller local agencies in your area too.

6.9. If a person would like to speak with someone outside of Avenues about support with making a complaint, or needs further advice, you can also direct them to their local Health watch or Citizens Advice. Appendix 3: Our Regulators, which provides details of our regulators who can be approached directly by the complainant if they so wish at any point in the process.

6.10. We welcome compliments however made. These should be reported to the Regional PA's who will record on the compliments log. These records are regularly reported to the Group Safeguarding and Serious Incident, to highlight good practice and inform our future work.

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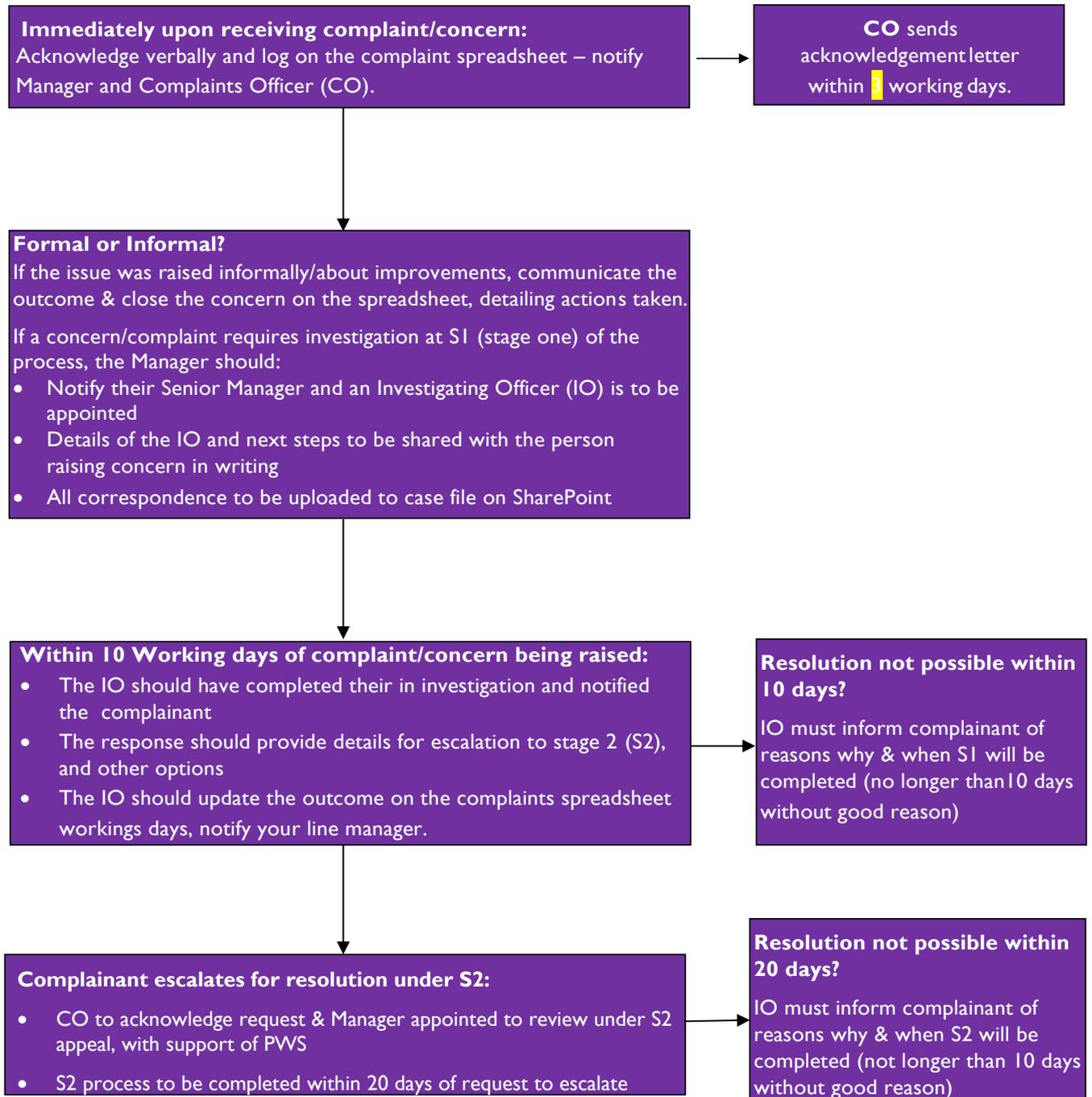
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7. Dealing with and investigating a concern or complaint

- 7.1. Steps to take when receiving a complaint are summarised in the dealing with a concern or complaint flowchart in 7.6.
- 7.2. Concerns and complaints should be managed quickly, effectively, fairly and honestly.
- 7.3. Often people feel more comfortable suggesting improvements rather than complaining formally. These concerns or feedback should still be recorded through this process to help us learn from them.
- 7.4. If a complainant alerts us to possible abuse, neglect or a different criminal offence, we will tell the local authority's adult safeguarding team and the police, as appropriate. They will decide how to investigate and monitor outcomes. If somebody brings such an allegation to your attention, you must inform a more senior colleague immediately, so they may take appropriate action. Please see the Safeguarding Policy and Health and Safety (Including Accidents and Incidents) Policy for more details.
- 7.5. Complaints relating to discrimination of people with protected characteristics might be unlawful under the Equality Act 2010. Please see the Equality of Opportunity, Diversity and Fair Treatment Policy for more details about this.

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7.6. Complaint/Concern flowchart



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- 7.7. If a complainant involves more than our organisation in their complaint (Avenues and a Local Authority for example), we must work with that organisation to provide a single response to complainants. Arrangements need to be in place to agree:
- Who should take the lead in co-ordinating the handling of the complaint;
 - Communicating with the complainant;
 - Providing information that is reasonably requested, and;
 - Attending any meeting reasonably required.
- 7.8. If someone complains to us, and we are not responsible for the care or service complained about, you should:
- Signpost them to the right organisation and provide the person with their contact details, and
 - Offer to share their concerns with the correct organisation – you will need the person's permission to do this.
- 7.9. When you receive a concern or complaint you must:
- Show empathy to the person raising the concern
 - Write down the complainant's contact details, if you don't already have them
 - Assure the complainant that any information they give you will be shared on a need-to-know basis only, as per our 'Confidentiality policy'
 - Reassure them that we will not treat them or others unfairly if they choose to complain
 - Ask them what they would like to happen as a result of their complaint (the outcome) and record this in your report
 - Take all reasonable steps to resolve the complaint informally – that is, to their satisfaction but without the need for a full-blown investigation
 - If you cannot resolve their concern immediately, tell them what steps you are going to take to resolve it as soon as possible
 - If you are not a manager, whether or not you immediately resolve a concern or complaint, you must inform your line manager as soon as possible and within 24 hours at most. If unable to inform your line manager within 24 hours, you must inform their line manager or the on call manager.
- 7.10. Regional Directors and Senior Operational/Senior Managers are responsible for appointing Investigating Officers. Subsidiary PA's / Team Secretaries are responsible for updating the complaints spreadsheet, which is located on SharePoint.
- 7.11. If you receive a concern or complaint that results in a safeguarding alert or even a police investigation, the Safeguarding Policy and Procedure must be followed, but you still have the same duty to keep the complainant informed of the progress of the complaint and to update the spreadsheet.
- 7.12. Complaints and concerns should be acknowledged in writing within **3** days of receipt. Where the matter is referred to a first stage investigation (S1) the acknowledgement should include details of the Investigating Officer and the next steps and expected timescales for completion.
- 7.13. All correspondence and any other associated documents should be uploaded on to the case file on SharePoint.

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- 7.14. The Investigating Officer should keep the person making the complaint informed about the investigation's progress. The investigation and its outcome should be completed within 10 days of the receipt of the complaint. If this is not possible the investigating manager should inform the complainant of why they cannot complete within the 10 day timescale and advise them when it will be completed. This should not exceed a further 10 working days without good reason.
- 7.15. Discretionary Compensation – There may be occasions where it is fitting for us to make a good will gesture or to award compensation. For example where our actions have resulted in a lack of services from us, or cost to the complainant. Payment as compensation is not automatic even when clear mistakes have been made. Any offer of compensation must be approved by a Senior Manager to the Investigating Officer, and be in line with our delegated duties. Compensation is used to offset against any debt that is owed to Avenues except in exceptional circumstances. By agreeing and accepting compensation the complainant is agreeing that the matter is resolved and no further action will be taken. If the complainant does not agree with the amount offered they can refer the matter to an appropriate external body after exhausting our procedure.
- 7.16. When the investigation is complete, the Investigating Officer should set out their conclusion and recommendations for action in the complaint resolution letter for the relevant business entity. Before sending the letter to the person making the complaint, authorisation from your Regional Director or Group Director of Operations, Head of Service, or more Senior Manager is required. The letter should also include details for escalation internally (e.g. S2 Appeal) and externally see Appendix 4: Template Stage 1 Complaint Resolution letter.
- 7.17. If you become aware of a complaint on social media. If this happens, do not attempt to address the matter yourself but inform the Marketing Team either by emailing them, Communications@avenuesgroup.org.uk or if out-of-hours, by messaging them on one of our social media accounts.

8. Reasons why we might not investigate a complaint

8.1. A complaint has already been investigated and resolved:
If we have followed our complaints policy, including the appeals process, we will not reinvestigate a previous complaint made and will write to the complainant informing them of this, signposting them to the relevant external agencies e.g. Local Government and Social Care Ombudsman.

8.2. Time limits:

Complainants should complain as soon after the date on which the event occurred or came to their notice. If a complaint is received more than twelve months later, we may not be able to investigate properly. We should consider if there was good reason for not making the complaint sooner and whether, despite the delay, it is still possible to investigate effectively and fairly. The case not to investigate should be made to the Executive for their authorisation.

8.3. Unreasonable complainant behaviour:

People may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way.

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Complainants who have a history of challenging or inappropriate behaviour or have difficulty expressing themselves may still have a legitimate grievance.

In most instances when we consider someone's behaviour is unreasonable, we will explain why and ask them to change it. We will also warn them that, if the behaviour continues, we may take action to restrict their contact with our offices/teams. Where the behaviour is so extreme that it threatens the immediate safety and welfare of our employees, we may report the matter to the police or consider taking legal action. In such cases, we may not give the complainant prior warning.

A persons reasons for complaining may contribute to the way in which they present their complaint. Regardless of this, we must treat all complaints seriously and properly assess them. However, we also recognise that the action of people who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards our colleagues. We will. Therefore, apply our policies and procedures to protect colleagues from unacceptable behaviour such as unreasonable persistence, threats or offensive behaviour.

An unreasonable complainant can be characterised by:

- Actions which are harassing, prolific repetitive or obsessive and/or
- An insistence upon pursuing unmeritorious complaints and/or
- An insistence on pursuing a complaint in an unreasonable manner

Other words to describe this type of behaviour are vexatious and unacceptable.

In making a case not to apply this procedure Managers should clearly outline how the issues apply to these tests. The case not to investigate should be made to the Executive for their authorisation.

9. Appeals

If a person making a complaint is not happy with the outcome of their complaint, they have the right to appeal. Ideally, they should do this within two weeks of being informed of the outcome. This should be explained in the resolution letter. Appeals should be forwarded to the complaints officer who will inform EMT, so they may appoint an appeal investigator. The appeal is stage 2 of the complaints and concerns process.

9.1. The investigator of an appeal should be senior to the original investigator.

9.2. As part of our commitment to co-production, the appeal investigator should complete their review with the support and involvement of people we support. The people we support who are involved in the appeal should be independent and not from the area in which the issue has arisen.

9.3. The purpose of the appeal is not to repeat the initial investigation, but to consider whether a satisfactory process was followed; if there is evidence that was not considered and should have been included, and whether the outcome was commensurate with the findings or the investigation.

9.4. Where an appeal has been requested it should be completed within 20 days of receipt. If this is not possible then it can be extended for a further 10 days, but this should not exceed without good reason.

9.5. The complainant should be kept informed of how their complaint is being managed and

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the timescales we are working to.

9.6. If the decision is to uphold the original outcome not to uphold a complaint, then they must be informed in complaint appeal resolution letter of their right to contact the relevant ombudsman to ask them to review their complaint see Appendix 5: Template Stage 2 Complaints Resolution letter.

9.7. Time limits

If a complainant wishes to appeal the outcome of their complaint and the appeal is received more than six months later, we may not be able to investigate properly. But we shall also consider whether there was good reason for not making the appeal sooner and whether, despite the delay, it is still possible to investigate the complaint appeal effectively and fairly. We may not be able to review our decision unless the complainant can show their appeal:

- Is based on important evidence that contains facts that were not accurate, and the complainant can show this using readily available information, or
- There is new and relevant information that was not previously available, and which affects the decision made.

The case whether or not to investigate a complaint appeal will be made by the relevant functional director. Where the matter of the appeal concerns the functional director the decision to progress would be the responsibility of their line manager.

10. Recording and monitoring

10.1. Recording

We have to show how we have handled complaints to various statutory bodies. Concerns, complaints and compliments will be logged on the complaints spreadsheet, which is located on SharePoint with permissions set for confidentiality. All relevant correspondence and documents will be uploaded to the case file in order to provide a full history / background of the complaint.

All compliments should also be recorded on the spreadsheet. You may do this for compliments paid verbally.

Where required, we will share information on complaints with our regulators but we will depersonalise data to preserve confidentiality as per Data Protection Act (2018). (See Data handling and protection policy).

10.2. Monitoring:

- Serious Incident and Safeguarding Review Group - Complaints are a standing item on the agenda, which meets bi-monthly. The group looks at performance in managing enquiries, trends and lessons learnt. The group will feed back its findings to Operational Managers, Senior Leaders and the Executive;
- Quality & Local Engagement Committee - Feedback from the Serious Incident and Safeguarding Review Group is shared with the Committee, who are a committee of board trustees, and relevant information is then shared by exception with the main board;

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Concerns, Complaints and Compliments Procedure

- An annual review of the Concerns, Complaints and Compliments will be presented to the Quality & Local Engagement Committee for the purpose of reviewing and ensuring that themes, trends and identified learnings have been captured and that a clear understanding for future learnings is put into practice;
- Operations – Services will review complaints at a local level with lessons learnt fed back into operational processes through their continuous improvement plans. The Serious Incident & Safeguarding Review Group will also inform Operational Managers of lessons learned and influence policy and procedural development.

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Appendices

1. Appendix 1 - NHS 'Ask Listen Do'
2. Appendix 2 – How to make a complaint – easy read
3. Appendix 2 – What happens – easy read
4. Appendix 3 - Our Regulators
5. Appendix 4 - Template Stage 1 Complaint Resolution letter
6. Appendix 4 - Template Stage 2 Complaint Resolution letter

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