

# Supporting People in Salford

## “A statement and guide about dealing with and responding to Complaints”

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## 1. What are Complaints

Complaints are viewed in a negative way generally but the positive way to approach them is to use them as an opportunity to learn and improve. Complaints may draw attention to important issues that could go undetected if the complainant is put off by a complicated, drawn out process where they feel discouraged to 'make a fuss'. Also by making the process as effective as possible people's expectations of the services they receive will be exceeded and they will feel listened to.

In formulating any complaints procedure the aim is to:

- Create a clear, efficient process for resolving complaints so that everyone involved knows where they stand;
- Ensure the complainant finds it easy to make a complaint regardless of ability and should feel that they are being taken seriously;
- Ensure the complainant is kept well informed at all stages of the process. Good communication, both written and verbal, between everyone who is dealing with the complaint is essential;
- Every possible effort is made to gain a satisfactory resolution of the complaint;
- Ensure the complainant is informed of the appeals procedure if not entirely satisfied with the response to a particular complaint.

In general all service users should be able to access information on how to complain easily. The information can be distributed in many ways e.g. on the website, in leaflets, face-to-face from staff and should be available in as many different formats as possible e.g. Braille, audio, large print, different languages.

Services should offer support when a service user wishes to make a complaint about the service they receive and should be offered information on how to access such support. This information should be made available in all literature types and formats as defined above.

Finally complaints that involve the way that services are provided can be looked at positively as a way to make improvements within the service. This guide acts as a standard for providers when a service user has or wishes to make a complaint about the service they receive, when a service user contacts the SP team to make a complaint about a provider we will always advise that complainant that they should follow the services complaints procedure. The supporting people team will follow this up through contract management protocols.

## 2. Formal complaint about a service by a service user?

Each service provider will have their own complaints procedure and if the complaint is about the service itself it should usually be dealt with through that process unless the complainant prefers to go directly to Supporting People. If a complainant comes through to the Supporting People team with a complaint about their service they should be asked whether they have already gone through the service's own complaint's process as they may be confused about who to go to.

Where a complaint concerns an independent sector provider or agency, which has been contracted by the city council to provide a service, the independent provider should handle the complaint in the first instance, using their complaints policies and procedures, and if required support the individual to access advocacy services if deemed by the service user to be appropriate. The local authority will wish to ensure that adequate procedures for dealing with and recording complaints are in place (according to statutory or contractual requirements).

Complainants who are dissatisfied with the response to a complaint dealt with by an independent service provider may choose to refer the complaint higher, it is expected that the service supports the individual to do this acting reasonably and professionally throughout the duration of a complaint being made.

Contractually Supporting People will want to know exactly how many complaints a service has received in any part of a contractual year and how these complaints have been dealt with. We also expect the service to conduct monitoring and evaluation exercises to ensure that the service user as the customer is satisfied with the resolutions put in place to deal with the complaint.

Some service users may be unaware of their right to complain for a variety of reasons and/or find it difficult to complain. Examples of why this may be are:

- Lack of inclusion of the issue in initial interview/support meeting, subsequent support sessions and residents meetings;
- Lack of staff training on how to deal with complaints;
- Service users lacking the confidence/motivation to complain due to thinking it is a complex process that they won't get enough support with;
- Service users thinking their complaint won't be taken seriously or resolved because of past experience when they have complained or what they have heard from others who have complained;
- Lack of belief in the validity of a complaint due to low self-esteem/ thinking their complaints are unimportant.

In order for service users to get the most out of the service they are receiving there needs to be open communication and a culture of valuing service user's views. Complaints should be encouraged so that any small problems can be dealt with at the day- to- day level between staff and service users. Residents meetings, suggestion boxes and support sessions can all be used to learn how to provide the best service and to encourage individuals to play an active, responsible part in their own service.

The advantage of a culture, which encourages complaints, is that we can learn from our mistakes, rectify them and avoid formal complaints in the future. If service users feel that they are listened to and taken seriously there will not be as much need to complain, as issues will be solved as soon as they arise. However if there is a more serious issue the service user should feel enabled to report it and be assured also, of the confidentiality and whistle blowing policies in place.

Staff training is crucial to increase awareness of all issues involved with complaints and their role in dealing with them. As many methods as possible should be used to increase awareness of complaints in turn reducing barriers to complaining e.g. articles from service users in newsletters regarding their experiences of making a complaint or raising a complaint on an agenda at forums or resident meetings.

The Supporting People Team will log and record this type of complaint in the provider in questions file. Complaints made against a service / provider of services will be monitored and evaluated as part of our contract compliance process.

### **3. Formal complaint about a service provider by a worker?**

A formal complaint/s must be received by the Supporting People Team in order for us to act upon the complaint. The complaint will usually be dealt with through formal contract management procedures. The complainant will be kept informed, updated and advised of the outcomes from their complaint.

The Supporting People Team will log and record this type of complaint in the provider in questions file. Complaints made against a service / provider of services will be monitored and evaluated as part of our contract compliance process.

### **4. Formal complaint about the Supporting People Service?**

If a user of a service / member of the public or worker has a direct complaint about the Supporting People team then they should follow Salford City Councils complaints procedures, which can be found at [www.salford.gov.uk/complaints](http://www.salford.gov.uk/complaints)

If a contractor of Supporting People services has a complaint about the Supporting People Team in terms of the contract then this should be dealt with through the contracts disputes procedures set out in the contract.

The Housing & Planning Performance Team will investigate, log and record this type of complaint as per council policy. Complaints made against the Supporting People Team will be monitored and evaluated as part of the councils approach to monitoring complaints.

## 5. Vexatious Complaints

We are all committed to dealing with all complaints fairly and impartially. We are responsible for providing transparent and fair responses to those who feel it necessary to complain. Obviously as part of the complaints service we offer we do not normally limit the contact complainants have with our services. However, there are on occasions a small number of complainants who, because of the frequency of their contact with our services, hinder consideration of their own complaints.

Where we encounter irresolvable and persistent complaints, we should consider all aspects of why this situation has developed. It is also important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who make unreasonably persistent complaints.

An initial question to ask is: why is this complainant persisting with their complaint? If it is because the complaints have not been considered in full then we should attempt to address this. However, if a service has already done so and has demonstrated this to the complainant, then the complaints manager should consider whether the complainant is now inappropriately persistent. The following guidance should only be pursued where absolutely necessary.

### **Persistent Complainants:**

Features of a "persistent complainant" may include:

- A person who makes the same complaint repeatedly (with minor differences), but never accepts the outcomes;
- A person who seeks an unrealistic outcome and persists until it is reached; or
- A person with a history of making other unreasonably persistent complaints.

### **Unreasonably persistent complaints:**

An unreasonably persistent complaint is likely to include some or all of the following:

- The complaint arises from a historic and irreversible decision or incident;
- Contact with the local authority is frequent, lengthy, complicated and stressful for staff;
- The complainant behaves in an aggressive manner to staff when they present the complaint or is verbally abusive or threatening;
- The complainant changes aspects of the complaint partway through the investigation or Review Panel;
- The complainant makes and breaks contact with the local authority on an ongoing basis; or

- The complainant persistently approaches the local authority through different routes about the same issue in the hope of getting different responses.

There are a number of principles that the service can apply. The most important being that the complainant receives the same standard of response as any other service user, and that the service can show that it has not discriminated against the persistent complainant.

### **Action in Response:**

Where the relationship becomes unworkable, the service should ensure that they demonstrate that they have considered the complaints as fully as is appropriate. This should normally be through advising the complainant that:

- They do not constitute a person who may complain and/or that their complaints do not fall within the relevant criteria for what may be complained about;
- The service has either offered or provided consideration of the issues through another procedure (e.g. the corporate complaints procedure);
- The service will consider the substantive issues at all stages of the complaints procedure;

Where the service has attempted to move the complaint on to the next stage but the complainant has either refused or delayed such progression through excessive objection to the process rather than addressing the substantive issues of the complaint themselves, the service should advise the complainant that this is causing delay and is unreasonable use of the complaints procedure.

If the complainant does not pursue the complaint at the next stage, and continues nonetheless to correspond, the correspondence should be considered. If it raises no significant new matters and presents no new information, the complainant should be informed that the service is not entering into any further correspondence about the matter. If the complainant still does not take this advice, any further correspondence that does not present significant new matters or new information should only be acknowledged (rather than acted upon).

In some instances, abusive, threatening or other unreasonable behaviour may be a feature of the complainant's disease or mental illness (e.g. chronic anxiety or stages of dementia). In such cases, if possible, the service should consider securing a whole case review from all professionals involved.

### **Restricting Access:**

The decision to restrict access to the complaints procedure should be taken by the service and should follow a prior warning to the complainant. Any restrictions imposed should be appropriate and proportionate. The options that the service is most likely to consider are:

- Requesting contact in a particular form (for example, letters only);

- Requiring contact to take place with a named officer;
- Restricting telephone calls to specified days and times;
- Asking the complainant to enter into an agreement about his future contact with the service and Informing the complainant that if they still do not follow this advice, (as stated above) any further correspondence that does not present significant new matters or new information will not necessarily be acknowledged, but should be kept on file.

If staff feel threatened, intimidated or bullied by the language and behaviour of a complainant they should speak with their manager about these concerns and the reasons for them. The manager can then report the incident using the appropriate procedure and see if it is necessary to write to the complainant to request no further behaviour of this kind or to report it to the police.

During telephone conversations if staff consider the caller to be aggressive or offensive they can warn the caller that they will put the phone down if the behaviour continues. If the caller does not heed this warning the staff member can then put the phone down and record what happened. If this happens repeatedly the same procedure can be used, a manager be consulted and the police informed as this can constitute harassment.

## 6. Summary

To summarise, complaints policies and procedure's are an important part of providing an effective, value for money service. A hallmark of empowered service users is that they are confident and satisfied with how complaints and issues are dealt with.

The Supporting People Team will endeavour to monitor how service providers deal with complaints through our contractual management framework. Complaints against the Supporting People Team will be dealt with through the City Council's formal complaints procedures.

Under the terms of the City Council's formal complaints procedure, anyone who is not satisfied with the findings or decision of the investigation carried out in respect of their complaint can appeal to the complaint's officer for the matter to be reviewed by a review panel of 3 local councilors.