

Complaints and Comments Policy

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Purpose

To establish the policy and procedure of JWR with regard to complaints and comments from our service users and other stakeholders and how these will be used to improve the range and quality of services. The aim is to make it easier for individuals and organisations coming into contact with our charity to provide feedback, including complaints, and to ensure they will be dealt with effectively and efficiently. Anyone submitting comments or complaints will be advised as to how their feedback will be handled and will be communicated with regularly.

Introduction

This document contains a policy statement (part one) and procedural guidance (part two). The functions of each are set out below.

Part One – Policy Statement. The Policy statement sets out the broad framework of principles within which the particular area of work will be carried out. It sets out the organisation's broad style and approach to the issue, including any aims and guiding principles.

Part Two – Procedural Guidance. The procedural guidance sets out the details that staff will require to carry out their duties in this particular area of work. It also sets out the specific tasks involved in undertaking this area of work and identifies who is responsible for carrying them out.

Part One: Policy Statement

Aims and principles

JWR aspires to give the best service possible to all service users. On the rare occasion, service users may feel they have not received a service that meets their expectations. Therefore JWR actively encourages feedback. The aim of this is for JWR to continuously improve and review the service provided. All feedback is welcomed and will be actioned professionally and in line with the procedure below. All feedback and actions taken will be recorded and reviewed regularly.

JWR is committed to:

1. Encouraging service users and stakeholders to come forward with any complaints or comments about our services, in order to make sure that service quality is protected and service users' needs are appropriately met.

2. Monitoring all comments and complaints to ensure that they are used to improve the range and quality of service delivery on a continuous basis. A written record of the complaint and any actions arising from it will be kept.
3. Ensuring that all service users and stakeholders have access to clear information on how to voice comments and complaints. Service users in particular will be provided with the support they need in order to make their views known.
4. Ensuring that no one is disadvantaged or treated less favourably as a result of complaining or making comments.
5. Fully supporting and keeping the individual or organisation providing feedback updated throughout the process with open and transparent communication.
6. Fully complying with the Regulation of Care (Jersey) Law 2014, the Jersey Care Commission Care Home Standards, Data Protection (Jersey) Law 2018, the Jersey Charity Commission and the Managing Frameworks for allegation against staff in a position of trust working with children and adults.
7. Ensure JWR employees will be given a copy of this policy to ensure full knowledge and adherence to it.

Definitions

It is important JWR gather service users and stakeholders' views about our services, including suggestions and positive comments. All forms of feedback are welcome and help JWR listen and learn.

Compliments are expressions of praise for the quality of service or actions received.

Comments or Suggestions are remarks about how a service may be improved.

Concern is a difficulty or problem which is current and needs to be resolved.

Complaint may be generally defined as expressions of dissatisfaction which require a response and formally dealt with.

In this policy, the term “**stakeholder**” will refer to non-service using individuals or organisations who are coming in contact with the work of our organisation. This includes but is not limited to visitors, professionals, partner agencies, commissioners etc.

In this policy, the terms “**staff**” will refer to paid JWR employees, volunteers, trainees and Committee Members.

Key principles that will be applied:

With any feedback received, JWR will apply these consistent principles:

1. **Accessibility** – depending on the issue that has been raised, the right people will be available to investigate and support throughout the process
2. **Communication** – JWR commits to open and transparent communication at all times.

3. **Timelines** – JWR will deal with any complaint within 28 days. Where this is not possible due to factors outside of JWR’s control, this will be communicated at the earliest opportunity.
4. **Fairness** – every complaint will be looked at in depth and consistently
5. **Credibility** – anyone who is involved in the process will be professional and capable of dealing with such a process
6. **Accountability** – where there are learnings from a complaint, JWR commits to make changes where it is in the interest of the service user and JWR.

Part Two: Procedural Guidance on Complaints and Comments

How to provide feedback

The most effective way for a service user or stakeholder to provide feedback is by speaking directly to a JWR Support Worker, this is usually the quickest way to resolve any concern.

Feedback is welcome in any form;

- Written – letter, email or through the use of a JWR service user feedback form
- Verbal – talking face to face or over the phone

Timeframes

We encourage service users and stakeholders to raise the feedback at the earliest opportunity after the dissatisfaction to allow JWR the opportunity to resolve it quickly. Any feedback should be given no more than 6 months from when the event took place, otherwise it will be difficult to act on effectively.

All **comments or suggestions** will be acknowledged within 5 days and the Deputy and Service Manager will be made aware and will advise what, if anything, will happen as a result of the feedback.

Concerns can normally be dealt with very quickly and successfully by a JWR Support Worker. All concerns will be acknowledged within 5 days and the Deputy and Service Manager will be made aware and will advise what, if anything, will happen as a result of the feedback.

All **complaints** will be dealt with within 28 days of receipt and will be formally recorded. The Deputy Manager or Service Manager will normally investigate all complaints, however, on occasion it may appropriate for this to be a member of the Committee or an external independent consultant.

What happens when a complaint is made by a service user

A service user wishing to complain should approach a JWR Support Worker who must first establish if the complaint is a minor matter which can be rectified simply and without conflict.

In the first instance the JWR Support Worker will seek to resolve any service user complaint in a non-threatening, informal and accessible manner. Staff undertake to address any concerns or complaints raised by service users immediately and on a one-to-one basis. Where this is not possible or where it is not desired by the service user, the following, more formal process will be adopted.

Step 1: The service user need to put their complaint in writing to JWR. They can receive assistance to do so.

Step 2: Upon review of the information contained in the complaint, it will be determined who is best placed to handle the complaint and lead an investigation into it if required.

Step 3: It is crucial for the JWR employee receiving the complaint to gather key information that will allow for the concerns to be assessed correctly and to resolve them as quickly as possible. This may involve the JWR employee asking questions to the complainant which could include requests for specific examples, timelines and witnesses. Initial questions could include:

- What are the issues?
- What impact is this having on them?
- What were they expecting from the service?
- What are they looking for in order to resolve the complaint?

JWR would encourage the service user to be as open and honest as possible, withholding information may limit the investigation. A file note of this conversation will be made and used to form part of the evidence. A copy of this policy will also be provided to the complainant.

Step 4: Where a complaint is made against a particular person, that person will be notified and given opportunity to review the complaint and respond accordingly. The Deputy or Service Manager may decide that directly addressing the complaint together with the subject of the complaint is sufficient to resolve the situation. A file note of this conversation will be made and used to form part of the evidence.

Step 5: The investigator may look at any other key information and speak to witnesses to form an opinion on the complaint received. A file note of any witness conversations will be made and used to form part of the evidence.

Step 6: The investigator will record the complaint, their findings and recommendations. The Complainant will be informed of whether their complaint was upheld or not. Depending on the seriousness of the complaint, the Manager may be involved in this meeting. The Complainant should sign a confirmation indicating whether their complaint was resolved to their satisfaction or not. This will also be recorded in the Complaints log. Where possible, this will be within 28 days of the complaint being received. Should it not be possible to complete this step within 28 days of the receipt of the complaint, this will be communicated to the service user as soon as possible, and they will be provided with an alternative date for the resolution of their complaint.

Step 7: If the complainant is not satisfied with the outcomes of the Complaint Procedure, they will be informed of their right to take their complaint to the JWR Management Committee. The Management Committee after considering the circumstances of the complaint will advise the individual of their decision on the outcome, and this will be final.

Step 8: If the service user remains unsatisfied with the outcome of the investigation or if they have any serious concerns, they will be informed of their right to contact:

- Jersey Care Commission (JCC) if the complaint is about JWR register services (i.e. safe house service). JCC can be contacted on 01534 445801 or enquiries@carecommission.je
- Jersey Office of the Information Commissioner (JOIC) if the complaint concerns data protection. JOIC can be contacted on 01534 716530 or enquiries@jerseyoic.org
- Jersey Charity Commissioner on 01534 760811 or info@charitycommissioner.je

The following principles will apply in any circumstances:

- All verbal and written complaints will be recorded, regardless of who deals with the process. If the Complainant is a service user, a brief entry in their case note will be made to record that a concern/complaint has been made and this will be investigated.
- The Deputy and Service Manager will be notified of all verbal or written complaint lodged.
- All service users will be supported by JWR throughout this process.

Who will receive and manage the complaint

- If a service user wishes to make a complaint or make a comment about the services they are receiving, or any other aspect of their experience whilst being supported by JWR, they can do this by speaking with a JWR Support Worker.
- Should the service user not feel comfortable discussing their complaint with a JWR Support Worker, for whatever reason, they can put the complaint to the Deputy Manager or Service Manager.
- If the JWR Support Worker within the boundaries of their delegated authority can resolve the complaint, they should attempt to do so.

- However, if the complaint cannot be resolved like this, or the complaint is about a member of staff, then the Deputy Manager must lead on resolving the complaint. If the complaint is of a serious nature the Deputy Manager will inform the Service Manager immediately.
- Where the complaint involves the Deputy Manager, the complaint should be referred to the Service Manager.
- If the complaint is about the Service Manager, then the Chair of the Management Committee must lead on resolving the complaint.

Complaints of a serious nature include:

- Criminal behaviour
- A breach of JWR code of conduct or regulated activities
- A breach of organisational guidelines
- An action which intentionally puts a service user at risk
- An action which intentionally intimidates a service user

JWR will also consider complaint as being of a serious nature if they are:

- Concerns about a JWR member of staff, in work context and personal life, that imply risks to the safety of adults. This includes concerns about inappropriate relationships with adults with care and support needs. In this case, JWR will follow the Safeguarding Partnership Board Framework for Managing Allegations against those working with adults in a position of trust and contact the Safeguarding Adult Team Manager on 01534 444440.
- Allegations that a JWR member of staff, in the course of their work with children:
 - Behaved in a way that has harmed a child or may have harmed a child;
 - Possibly committed a criminal offence against, or related to, a child; or
 - Behaved towards a child or children in a way that indicated they may pose a risk of harm to children

In this case, JWR will follow the Safeguarding Partnership Board Framework for Managing Allegations against those working with children in a position of trust and contact the JDO Coordinator on 01534 443566.

The outcome of a complaint may result in other JWR policies being referred to.

Dealing with Complaints and Comments from Stakeholders

The procedure for dealing with complaints and comments from stakeholders will follow the steps set out above, except that these complaints and comments should be addressed to the Service Manager or the Chair of the Management Committee.

Data Protection

- Details of the complaint will not be widely shared beyond those who need to know.

- Written complaints determined by the Deputy or Service Manager to require no further action/information will be destroyed after six months. All other documentation will be kept in line with the JWR retention policy and Data Protection legislation.
- It is of the utmost importance that at every stage of this procedure accurate records are kept of all conversations that take place and copies are kept of all correspondence. These will be saved onto JWR Complaint Log system on OASIS by the Deputy Manager and Service Manager.
- So that the complaint can be dealt with properly it is not possible for JWR to investigate a complaint from anyone who is not willing to give their name and full details of their complaint. Information regarding the complaint should still be recorded for future reference.

Monitoring Complaints and Comments and Using Feedback to Improve Services

Each time a formal complaint or comment is made in writing, it should be logged on JWR database OASIS by the Deputy or Service Manager. The records will include:

- Complaint date;
- Who made the complaint (Service User or Stakeholder) including their names;
- Whether the complaint is about an existing JWR service, member of staff, gap in service or about JWR policies and procedures;
- Who was the complaint reported to;
- Who is handling the complaint;
- All communication with the complainants and documents, including files notes, emails, letters etc.;
- Complaint outcomes;
- Review outcomes.

Anonymised data extracted from complaint records will feed into the following systems and processes:

- Annual business planning, particularly in terms of
 - identifying and prioritising changes and improvements in existing services
 - Identifying gaps in service provision
- Service reviews
 - Monthly Quality Assurance Audits
 - Jersey Care Commission Inspections
- Review of policies and procedures
- Monthly Committee Meetings as part of the Manager's operational report
- Service user participation groups

Complaints will be monitored by the Management Committee, who will identify any recurring issues.

POLICY REVIEW

The Complaints and Comments Policy and Procedure is reviewed annually, more frequently, or as necessary.

This Complaints and Comments Policy and Procedure was adopted: 09/11/2021

This Complaints and Comments Policy and Procedure was last reviewed: