

Complaints & Representations Policy

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Introduction

Space Inclusive Limited aims to deliver high quality services ensuring that clients are at the heart of everything we do. One way of doing this is by listening to feedback from people using our service and making sure that when things go wrong or go right, we learn from the experience and make improvements. As a Service, we aim to handle comments, compliments and complaints in a fair and consistent way, maintaining openness and transparency. An easy read version of this document is also available.

1.0 Our Aims and Objectives

1.1 Aims

- To ensure services are developed and improved by listening to and learning from the people using them.
- To ensure that our complaints and representations procedure is used as a positive aid to inform and influence service improvements, not a negative process to apportion blame.
- To ensure any dissatisfaction or concern with a service is resolved swiftly and, wherever possible, by the people who provide the service.

1.2 Objectives

- Procedures are clear, accessible and easy to use for clients, their carers or representatives and staff.
 - Clients are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
 - Ensure the process is fair, is undertaken in an even-handed way, and there is adequate support for all people involved.
 - People who make a complaint receive a timely response (without delay).
 - Any concerns about the protection of vulnerable adults are referred immediately to the relevant adult and community services team or to the Police.
 - The procedures are linked and coordinated with other relevant Statutory, County Council and National Health Service regulations and procedures.
 - Service users' rights to access other means of redress are safeguarded, such as the Local Government and Social Care Ombudsman.
 - The handling and outcomes of complaints are monitored and regularly reported and are a priority within Space Inclusive Ltd's performance management and improvement of its services.
 - Learning from complaints is positively and actively used in staff development and training and informs the ongoing review of Space Inclusive Ltd's policies.

2.0 What is a Complaint and a Representation?

- 2.1 Representations may not always be complaints; they might also be positive remarks or ideas that require a response. Enquiries or comments about the availability, delivery or nature of a service which are not criticisms are likely to constitute representations; for example, people should be able to put forward ideas or proposals about the service they receive without having this framed as a complaint.
- 2.2 Representations may be defined as “a comment about Space Inclusive Ltd or policy, allocation of resources, the nature or availability of services”.
- 2.3 Examples may include:
- Charging Policies
 - How much resource is allocated to particular services and, as a result, the delays in receiving services
 - Eligibility Criteria
- 2.4 A complaint may be generally defined as “an expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a provider’s adult social services provision which requires a response”. Space Inclusive Ltd will use this as a working guide rather than a rigid definition and, if it is possible to resolve the matter immediately, there may be no need to fully engage the complaints procedure.

3.0 What May Be Complained About?

- 3.1 A complaint may arise as a result of many things relating to contracted services and functions. Complaints may relate to the following:
- An unwelcome or disputed decision;
 - Concern about the quality or appropriateness of a service;
 - Delay in decision-making or provision of services;
 - Delivery or non-delivery of services including complaints procedures;
 - Quantity, frequency, change or cost of a service;
 - Attitude or behaviour of staff;
 - Application of eligibility and assessment criteria;
 - The impact on an individual of the application of a Space Inclusive Ltd policy; and
 - Assessment, care management and review. However, this is not an exhaustive list and Space Inclusive Ltd's Directors will seek legal advice as necessary.

4.0 What Cannot Be Complained About

- 4.1 A complaint cannot be made or accepted where:
- The person wishing to complain does not meet the requirements of "who may complain" and is not acting on behalf of such an individual;
 - The complaint is not in regard to the actions or decisions of Space Inclusive Ltd, or of anybody acting on its behalf;
 - Where the same complaint has already been dealt with at all stages of the procedure;
 - The same complaint has already been investigated by a local commissioner;
 - The complaint is unclear, or it is frivolous or vexatious;
 - Matters that should be dealt with under other proceedings such as:
 - Disciplinary proceedings;
 - Grievance procedure;
 - Complaints from staff about personnel issues;
 - Services for which an alternative statutory appeals process already exists; and
 - Criminal investigation where Court action is pending.

5.0 Who May Complain?

- 5.1 A person is eligible to make a complaint where Space Inclusive Ltd has a power or a duty to provide, or to secure the provision of, a service for them and their need, or possible need, for such a service has (by whatever means) come to the attention of Space Inclusive Ltd. This also applies to a person acting on behalf of someone else.

6.0 Who May Complain on Behalf of Someone Else?

- 6.1 A complaint may be made by a representative acting on behalf of an eligible person where that person has asked the representative to act on their behalf or is not capable of making the complaint themselves (this includes a person who has died). Where a complaint is received from a representative acting on behalf of a service user (i.e. their advocate), Space Inclusive Ltd has the discretion to decide whether or not the person is suitable to act as a representative, in the individual's best interests. If the Directors consider the representative to be unsuitable, they should notify the representative accordingly in writing, explaining why no further action is being taken. The Directors should discuss this decision with relevant operational managers and take legal advice as appropriate.

7.0 Anonymous Complaints

7.1 Anonymous complaints should always be recorded and referred to the Directors in the same way as other complaints. Anonymous complaints fall outside of the scope of the statutory procedure, and it is for the Directors of Space Inclusive Ltd to decide what action it should take. The fact that the complaint is from an anonymous source should not in itself justify a decision not to pursue the matter nor should it rule out referral to other procedures as appropriate.

8.0 Withdrawing a Complaint

8.1 A complaint may be withdrawn verbally or in writing at any time by the complainant. The Directors of Space Inclusive Ltd must write to the complainant to confirm the withdrawal of the complaint.

9.0 Time Limit for Making a Complaint

9.1 The regulations impose a time limit for making complaints. Space Inclusive Ltd need not consider complaints made more than one year after the date of the event that gives rise to the complaint. In these cases, the Directors should write to advise the complainant that the complaint falls outside the time limit. However, judgements need to be made on a case by case basis and there should generally be a presumption in favour of accepting the complaint unless there is good reason against it.

10.0 Overview of the Procedure

THE PROCEDURE FOR COMMENTS, COMPLIMENTS AND COMPLAINTS

Written Procedure:

- A comment, compliment or complaint can be made: by telephone; in writing; by email; or in person. All responses will be made/followed up in writing.
 - Comments, compliments or complaints can be made to the Directors:

Space Inclusive Ltd
20 Pelham Road Nottingham,
NG5 1AP
Telephone: Landline: 0115 8370693
Mobile:
Email: office@spaceinclusive.co.uk

Online Procedure:

- Comments, compliments or complaints can be made online via our website www.spaceinclusive.co.uk
- Comments, compliments or complaints can also be made using social media by sending a tweet to @SpaceInclusive

10.1 The complaints procedure comprises three stages, however the objective is to achieve resolution at the earliest possible stage within the process.

Stage 1 – Local Resolution

Complainant brings concerns to the attention of the Directors and resolution is provided at a local level and the Directors will make attempts to resolve matters within 10 working days. However, if an advocate is required or the complaint is complex an extension to 20 working days is permissible. At this stage and all other stages, the Directors will consider mediation and conflict resolution.

If not resolved – or if there is agreement for investigation

Stage 2 – Investigation

If the complaint is not resolved at Stage 1, or if there is agreement by the Directors for an independent investigation, the Directors will commission such an investigation by an investigating officer which results in the submission of a report to the Directors. This should happen within 25 working days or in any case within the permissible extended period of 65 working days. A senior manager will then consider this report and make a response to the complainant.

If not resolved

Stage 3 – Review Panel

If the complaint is not resolved to the satisfaction of the complainant, they can request a Review Panel Hearing. A panel of 3 people (all of whom should be independent of Space Inclusive Ltd) meet with the complainant and the Directors' representatives to consider the complaint and remaining issues of dissatisfaction. Following this Hearing the Panel Members will make their recommendations.

The Panel is required to record its findings of the meeting and to notify the complainant and the Directors in writing within 5 working days.

The Directors must send their response to the Panel's recommendations to the Complainant (and other participants as necessary) within 15 working days of receiving the Panel's report.

Recording

Space Inclusive Ltd will keep an archived copy of all complaints, regardless of the current status of the client, if the complaint relates to a client, for a period of 8 years. After this, all files will be destroyed.

Making Complaints Information Accessible - [NHS England » Accessible Information Standard](#)

For clients with difficulty reading, writing or speaking English, Space Inclusive Ltd should identify a suitable method of communication so that these users can express their complaints in full. It is established best practice to meet the complainant to explain any report in person. Ensuring that the complainant understands the report as far as is possible might also involve the provision of information (including responses to complaints) in large print, translation or in other formats.

For people with additional needs, such as learning disabilities, sensory or physical impairment or with mental health problems and for people from specific community groups, the Directors should liaise closely with the local authority's specialist teams and relevant voluntary bodies to ensure that the complainant is able to express their complaint in full. The complainant should have confidence that Space Inclusive Ltd can provide as thorough a response as for any other client.

Diversity Monitoring

Space Inclusive Ltd will, where possible and appropriate, ensure that they ask the complainant to define their own ethnic origin, gender, any disability and age. It is important that Space Inclusive Ltd seeks to identify for the complaint's procedure:

- An accurate picture of use by ethnic origin, age, gender, sexual orientation and disability;
- Where take-up or use could be improved or reviewed;
- A baseline for planning, target-setting and measuring change;
- That it is accessible equally to all sections of the community;
- Whether any distinct needs exist amongst members of minority groups, for which special provision may be necessary; and
- That it does not inadvertently discriminate against any particular group.

Monitoring and Quality Assurance

Space Inclusive Ltd will monitor the operation and effectiveness of their complaint's procedure as well as how information about complaints is being used to improve services and delivery. Space Inclusive Ltd will ensure that their quality assurance systems include a cycle of planning with outcomes fed back into operational delivery.

Space Inclusive Ltd will provide a system for:

- The dissemination of learning from complaints to line managers;
- The use of the complaint's procedure as a measure of performance and means of quality control; and
- Information derived from complaints to contribute to practice development and service planning.

Monitoring should also highlight how effective communication is within the organisation and to all people who are receiving their services, where staff training is required and whether resources are targeted appropriately. This should be fed back into the system in order to facilitate and improve policy and practice.

Record Management and Data Protection

All functions of the complaint's procedure must adhere to the requirements of the Data Protection Act (2018) incorporating the General Data Protection Regulation (introduced May 2018) and the Freedom of Information Act, 2000. The Directors will ensure that any personal information obtained in relation to a complaint is only used for that purpose.

Alternative Dispute Resolution (ADR) Nothing in this procedure precludes either the complainant or the Directors suggesting Alternative Dispute Resolution. If agreed by both complainant and the Directors, the Directors should explore this option e.g. mediation.

However, entering into ADR should not restrict the complainant's right to use the complaints procedure and to request a panel hearing provided it is within the 20-working day timescale. Once the final date of the particular resolution process is agreed (i.e. following the final mediation meeting) and should the complainant decide that they want to invoke their right to a Review Panel, the complainant can terminate ADR any time.

Deferring (Freezing) Decisions

If the complaint is about a proposed change to a care plan, a placement, or a service, the decision may need to be deferred (frozen) until the complaint is considered. However, care will be taken to ensure deferring a decision will not have a significant detrimental effect upon the mental or physical wellbeing of an individual.

The decision will normally be made through detailed discussion and risk assessment between the Directors and the manager responsible for the service, within the context of the work being undertaken with the service user.

Unresolved Complaints

Where Space Inclusive Ltd is unable to resolve a complaint made by a service user, their family, carer, or advocate, the complaint can be pursued through the appropriate local authority’s Complaints procedure:

<p>Nottingham City Council Social Care Complaints Service Loxley House Station Street Nottingham NG2 3NG</p> <p>Email: socialcarecomplaints@nottinghamcity.gov.uk Tel: 0115 8765974</p>	<p>Nottinghamshire County Council Complaints and Information Team County Hall West Bridgford Nottingham NG2 7QP</p> <p>Email: complaints@nottsc.gov.uk Tel: 0300 500 80 80</p>
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