Concerns and Complaints (England) Policy

Aims

This policy shows how someone can raise a concern or complain about Heroic Care Ltd to us as the care provider, how we respond to the complaint and how we will handle it.

The designated complaints manager/lead for Heroic Care Ltd is: Lucy Hogg, Provider. Tel. 01455 363121

The immediate point of contact for receiving a complaint is: HR Tel. 01455 363121 extension 2.

Our complaints policy is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. It is not the same as the disciplinary policy. However, Heroic Care Ltd understands that failure to listen to or acknowledge complaints could lead to an aggravation of problems, dissatisfaction of people who use the service and possible litigation.

Heroic Care Ltd 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 Heroic Care Ltd. If this fails due to the complainant being dissatisfied with the result, Heroic Care Ltd 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 implement a complaints procedure properly and effectively so that everyone is confident that we are listening to their complaints and worries and act on them promptly and fairly.

We provide users of the service with access to this policy and with accessible versions which describe how they can make a complaint with full contact details in the form of a Complaints and Safeguarding Notice.

This is included with the information we give to people at the beginning (“service user guide”). We can also produce the Complaints and Safeguarding Notice in Easy Read or alternative formats in line with people’s communication needs.

Scope

Heroic Care Ltd expects complaints to come from people using our service, people and representatives involved in their care and friends.

Typical complaints about a social care service include the following.

- Dissatisfaction with the competence, quality or safety of care.
- Medication errors and poor medicines management.
- Safeguarding issues, including neglect and acts of omission.
- Delays in responding to requests for help, poor communication, poor punctuality, missed visits and neglect.
- Staff behaviour and conduct reflecting a lack of caring attitudes, lack of respect, dignity or choice.

- Inadequate staffing provision, workload pressures, often resulting in lack of attention to what people are trying to tell them.

In our service context, people who could make a complaint will be mainly:

- any person receiving care
- their families and friends
- other service providers
- members of the public who might witness people's care and support or who have concerns about their treatment
- care and other staff.

We expect every complaint about a person's care and support to be initiated by or with their consent, or from someone who acts in their best interests.

Limitations

We do not investigate the following complaints.

1. A complaint by an employee relating to their employment (we handle this through our grievance procedure).
2. A complaint where we were not aware of the issue and can deal with it as a comment, feedback or suggestion first.
3. A complaint that has already been investigated and resolved.

In these circumstances, we notify the complainant in writing of our decision not to investigate the complaint and the reasons why.

We expect to receive a complaint as soon as possible and practical after the issue giving rise to the complaint has occurred, so that we can address and remedy the problem in a timely manner. We are unlikely to investigate a complaint after an interval of 12 months at the latest unless there are good grounds for the delay.

Definitions: Complaints and Service Requests

Complaints

By a "complaint" we refer to the Local Government and Social Care Ombudsman's definition.

"*Any informal or formal expression of dissatisfaction or concern about our service. This could include expressions of dissatisfaction or concern about our decisions, our actions or the conduct of any person employed or responsible for the care provision. They can be made by anyone who uses our service and others speaking up for them or involved in their care and who expects us to acknowledge and address their concerns*."

In developing its complaints policy, Heroic Care Ltd recognises the distinction also made by the Local Government Ombudsman in its Complaints Handling Code of Practice between a complaint and a service request which it defines as *"a request that this care organisation provides or improves a service, fixes a problem or reconsiders a decision."*

Service requests

As stated by the Local Government and Social Care Ombudsman, a service request is not a complaint but it does contain expressions of dissatisfaction which we as a care service should have the opportunity to deal with before it becomes a complaint. The care provider deals with such concerns using its Stage 1 procedures described below.

Heroic Care Ltd aims to address all service requests through its frontline and local resolution procedures to prevent their becoming complaints.

All complaints that are unlikely to be resolved through local resolution because of their seriousness or are directed at staff conduct or that of Amelia Boulton (Registered Manager) will be addressed through Stage 2 procedures.

Forms of service requests and complaints

Heroic Care Ltd recognises that a service request or a complaint can be validly made in different ways.

- *Verbally*, directly to a staff member, including care workers engaged in service delivery, or by telephone and similar means.
- *Non-verbally* as could happen with complaints from people who use non-verbal means of communication such as signing or who have communication difficulties.
- *In writing*, by email, letter, messaging or by completing our complaints form.

How People Can Raise Complaints

People we support

We make people using our service and their representatives aware of their right to complain through our interaction with them and this complaints policy which we can produce in formats suitable to individuals' levels of understanding and means of communication.

With any evident complaint which a person wants to make but finds difficult to make because of their communication difficulties we will support them to use an advocate from a local advocacy service.

We expect our care staff to interact and relate to the people they are supporting in such ways as to pick up, respond, record and where necessary report any expressions of dissatisfaction which they encounter.

Families and friends

We expect any relative or friend of anyone we are supporting to raise any concerns about individual's care as they arise.

They will also have access to our policy should they wish to make a formal complaint, and which includes information on how they can escalate the complaint if dissatisfied with the response.

Other service providers

Heroic Care Ltd works closely with health, social care and community services to promote people's wellbeing.

As with families and friends we expect any of our partner service providers to raise any concerns about an individual's care as they arise.

They also have access to our policy should they wish to make a formal complaint, and how they can escalate the complaint if dissatisfied with the response.

Third parties

We welcome all comments and feedback about our care and support and would always make our complaints policy available to anyone who wishes to make a formal complaint based on their experience of the service provision, though they will need the consent of any individual to progress a complaint made on a person's behalf.

Care and other staff

We expect any staff member who has concerns about service quality to report and record them by following our Speaking Up/ Whistleblowing Policy.

Complaints Management

Heroic Care Ltd follows the Local Government Social Care Ombudsman's Complaints Handling Code (Feb 2024) which is based on the following.

- "Good complaint handling promotes a positive relationship between an organisation and people receiving care.
- Complaints allow an issue to be resolved before it becomes worse. Those issues not resolved promptly can take significant resource and time to remedy.
- Involvement in complaint resolution develops staff ownership, decision-making and engagement.
- Complaints provide senior staff with essential insight into day-to-day operations, allowing them to assess effectiveness and drive a positive complaint handling culture.
- Data collected about complaints can be analysed and used to inform key business decisions to drive improvement in service provision."

Stage One — Frontline and Local Resolution

Frontline resolution

The frontline and local resolution element of our complaints' procedure means that wherever possible, our staff will address immediate concerns or service requests directly with the people making them so that they can put matters right as quickly as possible, with an apology or explanation for any mistakes they might have made. This includes any concern or request from any source while care staff engage in care and support activity.

Most service requests or concerns which are operational in nature will be the responsibility of HR/Operations manager who will record and report any such issues or incidents following established recording practice and procedures. Their records will be subject to management review and suitable follow-up action.

If a care worker cannot address the matter, they might escalate it to their supervisor or HR, who will try and resolve it as soon as possible depending on the nature of the request.

Local resolution

HR/Lucy Hogg will respond to any concern or service request that comes to their attention as soon as possible but no later than 10 working days of it being made and acknowledged. (This is in line with Ombudsman Code of Practice.)

They will initially acknowledge and record the request, the actions taken in response and the outcome, including if resolved to satisfaction or the concerned person proposes to escalate their request to a formal stage two complaint.

Formal Complaints

Heroic Care Ltd will always prompt people of their right to have an unresolved concern or request investigated further by requesting a stage two review by putting their complaint in writing or using our complaints form.

Our complaints form asks the person to provide the following.

- Details of the person or aspects of the service subject to complaint.
- Details of the person making the complaint and in what capacity.
- State how they would like Heroic Care Ltd to deal with the complaint.
- State the outcome they would like to get from the procedure such as an acknowledgement that we have been at fault, a formal apology or changes to the care we provide to the person.
- Say if they want any independent support or representation to help them through the process, including advocacy support for a person using the service.
- State how we could change and improve the service to prevent any need for complaint.

Stage Two — Complaints Review

Lucy Hogg, as designated complaints manager/lead, is responsible for addressing all formal complaints including those escalated from Stage 1 service requests.

Preliminary checks

Heroic Care Ltd will then respond through its formal complaints review procedures in response.

We will set up an impartial enquiry led by someone who is not involved in any direct role to the content of the complaint and people subject to that.

Before proceeding we will:

- clarify with the individual any aspects of the complaint they are unclear about
- deal with complaints on their merits, act independently and have an open mind
- give the individual a fair chance to set out their position
- take measures to address any actual or perceived conflict of interest
- consider all relevant information and evidence carefully.

If the complaint raises a safeguarding issue, we will alert the local safeguarding adults authority and take their advice on how to proceed.

If we receive a complaint from someone whose care has been arranged or commissioned by Leicestershire County Council under the Care Act 2014 or jointly arranged with an NHS trust, we will notify Leicestershire County Council of the complaint and discuss with it as the accountable body the best way of proceeding.

Leicestershire County Council which operates its procedures under Leicestershire County Council social services and National Health Service Complaints (England) Regulations 2009 might seek to conduct an investigation jointly with Heroic Care Ltd or ask Heroic Care Ltd to investigate on its behalf with agreed reporting procedures and potential future action.

Acknowledgements

If we record, receive a letter or a completed complaints form we will, in writing (taking communication needs into account) and/or verbally:

- acknowledge receipt of the complaint within three working days
- describe how we will review the complaint and in what timescale (20 working days is the default timescale, which may be extended by up to a further 20 working days where there is good reason, explained to the complainant in writing)
- state who will be responsible for handling the complaint. This will not be anyone involved at stage one. This will usually exclude Amelia Boulton from leading the investigation
- describe the evidence and information, including from relevant witnesses, which the review will consider and who will provide it
- describe how we will involve the person subject to the review (with advocacy help as needed)
- include contact details of the person leading the review and how and when to get hold of them to check on their progress or to offer further information
- provide details of any meeting to be arranged to discuss findings or outcome or to agree other means
- provide reassurance that the review will be fair, impartial and without adverse consequences for the complainant
- communicate our findings in writing (as well as verbally) as follows.
- A summary of the procedures followed in line with the stage two review policy.
- Our understanding of the complaint.
- The decision made about complaint and the reasons for making it.
- With an upheld complaint the details of any remedy offered to put things right.
- Details of any outstanding actions.
- Details of how to escalate the matter to the Local Government and Social Care Ombudsman if the complainant remains dissatisfied with the process or outcomes.

Complaints escalation

If Heroic Care Ltd receives a written complaint about someone receiving local authority commissioned support, we will always notify the commissioning authority of the complaint, how we propose

investigating it and of the outcomes. This ensures transparency, good communication and partnership working in the complaints handling process.

Heroic Care Ltd will tell a complainant:

- who is not prepared to have the investigation conducted internally, albeit impartially, or who is dissatisfied with the response they should escalate the complaint to the responsible commissioning authority
- who is dissatisfied with the outcome of a complaints review of their right to escalate their complaint to the Local Government and Social Care Ombudsman and provide details on how to do this
- how to raise any concerns about our care and support with the Care Quality Commission (CQC). The CQC does not investigate any complaint directly, but it welcomes hearing about any concerns.

Findings and remedies

Where from the complaint findings, including any escalated to the Ombudsman, it is evident that we have got something wrong we will acknowledge this and set out the actions taken or will take, to put things right. These can include:

- apologising (as also in line with our Duty of Candour)
- acknowledging where things have gone wrong
- providing an explanation, assistance or reasons
- taking action if there has been delay
- reconsidering or changing a decision
- amending a record or adding a correction or addendum
- providing a financial remedy, particularly if the complaint is about invoicing and charges
- changing policies, procedures or practices and staff training.

We offer any remedy to reflect the impact on the individual as a result of any acknowledged fault on our part.

We will explain to the complainant what will happen and by when and act accordingly.

How We Learn from Complaints

Heroic Care Ltd uses complaints as a source of intelligence to identify issues and introduce positive changes in its care and support. We do this by keeping detailed records of:

- every concern, service request and complaint received
- the subject matter and outcome of each one
- details of the reasons for delay where an investigation took longer than the agreed response period
- the date of the report sent to the complainant.

The complaints manager/lead conducts at least a quarterly audit of all recorded concerns, service requests and complaints, including a review of the types of complaints so that we can identify patterns and trends which indicate needs for improvement.

Auditing Complaints

- Heroic Care Ltd will examine all service requests and complaints records to see if there are patterns or trends which indicate shortfalls or weaknesses in our service provision, and delivery and plan improvements accordingly.
- We will conduct at least an annual review of policy to check that it is in line with all requirements and to evaluate the service improvements made as a result of our learning from complaints.
- We do this by examining and evaluating:
    - the number of service requests and complaints
    - how they were investigated and addressed
    - the outcomes
    - any complaints escalated to the Ombudsman and the outcomes
    - actions taken in response and actions still needed to learn the full lessons.

Complaints Against the Registered Manager

We consider all complaints made about our service to be complaints against the registered provider who is accountable for the delivery of our care services.

However, we recognise that a complaint made against Amelia Boulton(Registered Manager) as an *individual* requires different procedures depending on:

- who is making the complaint
- the nature of the complaint
- the reasons
- outcomes sought.

We would expect service requests requiring action from Amelia Boulton (Registered Manager) to be dealt with through local resolution.

A formal complaint about the conduct of Amelia Boulton (Registered Manager) should be passed directly to Lucy Hogg or another designated company director for action.

If Amelia Boulton (Registered Manager) receives the complaint directly they should not attempt to address it but escalate it to Lucy Hogg or the designated director.

Lucy Hogg or the designated director will take the following actions.

- Record and acknowledge the complaint as per the complaints protocol.
- Identify that it concerns the registered manager personally.

Conduct an immediate risk assessment which will focus on the following.

- Does the complaint suggest that:
- the actions of Amelia Boulton (Registered Manager) have directly contributed to unsafe care
- they have failed to act on known risks
- they have misled partner professionals or service providers with false or grossly inaccurate information
- they have been negligent in their management duties and position
- their lack of leadership amounts to mismanagement
- their conduct might have breached Regulation 7 relating to their "fitness" to remain in post?
- Decide whether to suspend Amelia Boulton (Registered Manager) from their duties following the risk assessment.
- Arrange for an independent complaints review, which will require the appointment of a suitable *external* investigator to avoid a potential conflict of interest.
- Amelia Boulton (Registered Manager) will have their rights to a fair hearing protected for the purposes of the review and be involved accordingly but will not be involved in the gathering of any evidence for the review
- The complaints review findings will determine the provider's actions which could range from complaint not upheld to one requiring further action such as: police or safeguarding referral, disciplinary proceedings, CQC notification and referral to carry out a Regulation 7 Fit and Proper Person Assessment.
- If Leicestershire County Council, is commissioning services from the care provider, it should also be notified of any investigation so that it can act on any potential breach of contract.
- Complainants can escalate an unresolved complaint to the Ombudsman in line with the established procedures.

Note: If, as is possible in a small business, the registered provider, nominated individual and registered manager are the same person then the issue will be handled following the same process but with immediate references to a named external source who conduct the complaints' review impartially and independently.

Legislation

Heroic Care Ltd considers that its complaints policy and procedures comply with the following legislation and regulations.

Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, Regulation 16: Receiving and Acting on Complaints

Regulation 16 requires care providers to have an effective system to identify, receive, handle and respond appropriately to complaints and comments made by people who use the service, or persons acting on their behalf, and others involved with the service.

This is reflected in the quality statement "Listening to and Involving People", which the CQC refers to in its assessments.

"We make it easy for people to share feedback and ideas or raise complaints about their care, treatment and support. We involve them in decisions about their care and tell them what's changed as a result."

Accessible Information Standard

We make our complaints policy and procedures for making a complaint available in formats suitable to the communication needs of the people using our service.

Equality Act 2010

We are aware of our duties under the Equality Act 2010 and anticipate the needs and reasonable adjustments of individuals who need to access the complaints process.

We will treat equally anyone who raises a complaint, regardless of background and abilities. We will protect complainants or anyone supporting their complaint from any harassment, discrimination or victimisation

We accept that individuals should be able to raise their complaints in any way and with any member of staff. We make all staff aware of the complaints process including how they should apply the Equality Act 2010 so that they can pass details of the complaint to HR.

We will make any reasonable adjustments they need to progress their complaint. We keep a record of all reasonable adjustments agreed to enable the complainant to make effective and equitable use of the complaints process. We keep any agreed reasonable adjustments under active review.

We will only place any restrictions on an individual's involvement in the complaints process if their behaviour is proving unacceptable, and which is adversely influencing the course of the investigation; we will impose these with due regard to the provisions of the Equality Act 2010.

UK GDPR and Data Protection Act 2018

We assure all complainants that we will treat their complaint in the strictest of confidence in line with our consent, confidentiality of information, record keeping and data protection policies.

We handle all information gathered as part of the complaints and concerns procedure in line with data protection and the UK General Data Protection Regulation (UK GDPR).

All personal information is securely stored and can only be accessed by authorised individual. It is not kept for longer than necessary.

We inform complainants that we will investigate any complaint about our handling of their personal information in line with this policy and its procedures.

If dissatisfied with our response or remain concerned about a possible data breach, we inform them that they can escalate the matter to the Information Commissioner.

Role of the CQC

The care service makes its users aware that the CQC does not investigate any complaint directly, but it welcomes hearing about any concerns (contact details below). The care service also sends to the CQC any information about complaints requested or required.

Safeguarding issues

In the event of the complaint involving alleged abuse or a suspicion that abuse has occurred, the care service refers the matter immediately to the local adult safeguarding (see below for details).

The care service will also notify the CQC under the Care Quality Commission (Registration) Regulations 2009, Regulation 18(e) Notification of Other Incidents of "any abuse or allegation of abuse in relation to a service user".

Contact details

Local Government Social Care Ombudsman

Website: www.lgo.org.uk

Telephone: 0300 061 0614.

The care provider will cooperate fully with an external investigation and will comply with the adjudication.

Care Quality Commission

Website: www.cqc.org.uk

Email: enquiries@cqc.org.uk

Telephone: 03000 616161.

Monday to Friday, 8.30am to 5.30pm excluding bank holidays.

Safeguarding (as required)

Leicestershire County Council Adult Social Care is our local adult safeguarding authority.

Name and Address: Leicestershire County Council, County Hall, Glenfield, Leicester LE3 8RA

Telephone: 0116 305 0004 (Monday to Thursday 8.30am to 5pm, Friday 8.30am to 4.30pm). Out of hours Emergency Duty Team: 0116 305 0888. If someone is in immediate danger or a crime is being committed, call 999.

Website: www.leicestershire.gov.uk

Training

Heroic Care Ltd expects its staff to respond correctly to complaints of any kind and gives complaints training a high priority.

It includes complaints policy training in the induction training for all new staff and updates it in respect of any changes in its policy and procedures and in the light of experience of addressing complaints.

Care staff training is in line with the Care Certificate Framework Standard 3 Duty of Care:

3.3 Deal with comments and complaints:

3.3a Demonstrate how to respond to comments and complaints in line with legislation and agreed ways of working

3.3b Describe who to ask for advice and support in handling comments and complaints

3.3c Explain the importance of learning from comments and complaints to improve the quality of service

Heroic Care Ltd arranges relevant training at the appropriate level for staff responsible for complaints handling and management. This includes training on the following.

- Accessible Information Standard.
- Data protection.
- Equality Act 2010.
- UK General Data Protection Regulation (UK GDPR).

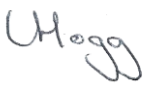
Related Policies

This policy should be read and used in relation to the following policies.

- Using the Experiences of People Who Use the Service to Improve Quality Policy.
- Quality Assurance and Improvement Policy.
- Escalation Policy.
- Duty of Candour Policy.
- Safeguarding policies.

Review

This policy and accompanying procedures are subject to regular and at least annual review and will be amended accordingly in the light of the complaints which we receive and our evaluation of how we have addressed them.



Signed: Lucy Hogg	
Policy creation date: 14/11/2026	
Next policy review date: 13/11/2027	