

	<h2 style="text-align: center;">Complaints and compliments policy</h2>
Support and Care Policy No:	SC06
Date approved or updated:	May 2022

1. INTRODUCTION

L'Arche is committed to providing the highest quality of care and support. Feedback of any form is invaluable, whether it is to raise a concern or complaint about a matter, or to compliment our service or an individual. It is recognised that there may be times when someone has a concern about the quality of the service we offer or the treatment of people with learning disabilities. This document outlines how complaints received by L'Arche will be dealt with. Many complaints are due to failures of communication or misunderstanding between individuals. It is essential that the highest priority is placed upon effective communication between all those involved in providing support and care within L'Arche.

A complaint may relate to or be made by a person with a learning disability, a family member, volunteer, someone visiting the service, external agency, or other individual or member of the general public against L'Arche or an individual connected to L'Arche. Complaints can either be made verbally or in writing.

This policy relates to the services we offer to people with learning disabilities. The majority of complaints either come from core members or their families. If there is a matter of concern from a L'Arche assistant, other L'Arche policies may be more appropriate to use:

- Grievance policy – e.g. for concerns about another assistant or manager, terms and conditions, unfair treatment
- Whistleblowing policy – e.g. for concerns raised but not resolved, or more serious concerns about the Community or organisation
- Safeguarding policy - e.g. for concerns regarding core members or poor practice.

L'Arche Communities are people with and without learning disabilities, sharing life together in communities belonging to an international federation. Mutual relationships are at the heart of this shared life. Providing high quality, professional support and care services is a key part of how we live out our mission.

2. GENERAL PRINCIPLES

All complaints will be investigated thoroughly and fairly and as speedily as circumstances permit, and be brought to a satisfactory conclusion. It should be evident to everyone that the complaint has been fully and fairly considered.

The complainant and other individuals involved should be kept fully and promptly informed of any unavoidable delays in resolving the issues.

Any individual against whom an allegation has been made should be fully informed of the allegations at the outset and given the opportunity to reply. He/she should be advised, where necessary to seek the help and advice of a professional association, trade union or friend/advocate.

A record should be kept by the Community Leader or his/her nominee of all formal complaints for the purpose of comparison, statistical record and service planning.

Complaints should remain confidential, and the details revealed only to those persons who need to be informed to enable the complaint to be properly investigated. There is a great danger of complaints being misinterpreted or wrongly reported, to the possible detriment of the complainant or a third party, if the complaint is freely discussed with persons unconcerned with the complaint.

3. PROCEDURE FOR HANDLING CONCERNS AND COMPLAINTS

Informal concerns

Most concerns are mentioned in person or email, and can be resolved satisfactorily through discussion with all those concerned.

An assistant who listens to a concern or receives an email or letter containing a concern should check with the sender whether they would like it treated as a formal complaint. The concerned person has the right to go straight to the formal complaints procedure if they wish, or at any point during the on-going discussions, or if they remain dissatisfied with the outcome of the informal process.

It is difficult to draw a hard and fast line between a concern and a complaint. For the purposes of this policy, and our reporting systems, a complaint is defined as:

- A concern which the person asks to be treated as a formal complaint
- A concern which the Community Leader or other manager judges to be of sufficient seriousness that it should be dealt with by the formal complaints procedure, even though the person involved does not specifically request this.

Formal complaints

The complainant may complain in person, by phone, or in writing, or may complete the L'Arche Complaints and compliments form, **SC06a Complaints and compliments form**. An Easy-read version of this policy must be displayed in every Community, and support offered to people with learning disabilities who wish to make a complaint.

If the complainant declines or is unable to put the complaint in writing, the person listening to the complaint should make a complete record of the complaint. If possible, arrangements will be made for the complainant (or their legal representative where one is appointed) to sign a written statement of the complaint. In cases where this is not possible, the complaint

should be read to the complainant(s) who should be requested to signify their agreement to the contents in the presence of a witness. The witness should sign to confirm this has been done.

All the relevant documentation should then be referred to the Community Leader who will acknowledge in writing by letter or email receipt of the complaint.

The Community Leader may decide to investigate the complaint or may, at his/her discretion, ask someone else to do so.

The Community Leader or the person designated to investigate the complaint will send a written reply to the complainant, based on the investigation undertaken. This will cover:

- A statement of whether the complaint is upheld, partly upheld, or not upheld
- A brief summary of how the investigation was undertaken
- The outcome of the investigation
- If fault or poor performance was found, an apology and information about what action we will put in place to avoid a similar situation arising again
- Information on how to take the matter further if the complainant remains unhappy.

Once the complaint has been dealt with, all documentation relating to the complaint should be forwarded to Community Leader for filing with the original complaint.

In the event of the complainant being dissatisfied with the outcome of the complaint, he/she should be referred to the Regional Leader who will consider:

- Whether the investigation into the complaint was undertaken properly
- Whether the finding of the investigation was reasonable
- Whether the action taken as a result of the complaint, or the apology offered, was sufficient.

4. SERIOUS COMPLAINTS REQUIRING IMMEDIATE ACTION

The above procedures should operate effectively for the majority of complaints which are received. However, it is accepted that there may be rare occasions when complaints are received of such a serious nature, for example, abuse of individuals and illegal actions, that they require immediate action by the Community Leader and involvement of external agencies. In these cases, the Community Leader should follow the Safeguarding/Adult Protection and Procedures rather than this complaints procedure. The Regional Leader will be informed as appropriate.

Full documentation will be kept if such actions are required. It will be important to refer to L'Arche's Adult Support and Protection (Scotland) / Safeguarding (England and Wales), and disciplinary policies and procedures during the investigation of complaints. It could be that an assistant may have to be suspended while an investigation takes place if the complaint concerns serious misconduct.

5. DUTY OF CANDOUR

If a complaint relates to a notifiable safety incident (in England), our Duty of Candour policy will be followed. If a complaint relates to an incident in Scotland that falls under the Scottish Duty of Candour regulations, the Duty of Candour policy for Scotland will be followed.

6. TIME LIMITS

A complaint should be made within 14 days. However, there may be circumstances in which this recommended time limit may not be appropriate and therefore the period may be extended at the discretion of the Community Leader if it is considered that the complainant has a good reason for the delay.

However, managers should be aware that general guidance for complaints about social care providers states that:

You should make your complaint as soon as possible. You should normally make a complaint within 12 months of the date of the event that you're complaining about, or as soon as you first knew about the problem.

Under normal circumstances, complaints should be acknowledged within 48 hours and then dealt with within one month of the complaint being received. If due to the complexity of the complaint, or the need to interview several people, it is not possible to complete the investigation within one month, the complainant will be given a written update, and notification of the extended time period which will be needed.

7. ACCESSING INDEPENDENT ADVOCACY

L'Arche believes that our core members should be able to express their views as clearly and openly as they wish to get the kind and quality of service they expect. Whilst many can and do express their views clearly, we recognise that some of our core members may not be able to communicate their feelings and views easily. Therefore we encourage and enable them to have access to advocates or an advocacy service where this is appropriate. This will help our core members to express to us their wishes and ideas about the things they need or any concerns and complaints.

Where a core member does not have anyone who can act as their advocate, then the local Council can provide advice and information on how to access one locally, or your Community may already have well established links with local advocacy services. For further guidance on advocacy please see our **SC22 Advocacy policy – England and Wales**.

8. COMPLAINING ON BEHALF OF ANOTHER PERSON OR GROUP

We are open to receiving complaints from any source. Where a complainant says they are speaking on behalf of someone else, or on behalf of a group, we will ask for evidence that the complainant has been asked by the person or group to do so.

9. ANONYMOUS COMPLAINTS

Anonymous complaints should always be recorded in the same way as other complaints. 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 relevant.

10. UNREASONABLE, VEXATIOUS, AND PERSISTENT COMPLAINTS

It is important to distinguish between people who make a number of complaints because they really think things have gone wrong, and people who make unreasonable persistent complaints. If the complainant is persisting because his/her complaints have not been considered in full then we must address this. If we have already done this and informed the complainant, then we should consider whether the complainant is now inappropriately persistent.

Where we have attempted to move the complaint on, 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 itself, we should advise the complainant that this is causing delay and is unreasonable in our view. If we decide to treat someone as an unreasonably persistent complainant, we should write to tell the complainant why we believe their behaviour falls into this category and what action we are taking and for how long.

11. UNACCEPTABLE BEHAVIOUR

In L'Arche we do not expect our staff to tolerate behaviour by complainants that is unacceptable. Examples of this could be someone who is:

- Abusive
- Offensive or insulting
- Threatening
- Saying or writing anything that is upsetting
- Holding a grudge against someone in L'Arche
- Making an allegation where there is no evidence of this.

L'Arche and its staff will be under no obligation to investigate a complaint by someone who is abusive, offensive or insulting or threatening.

There are other examples of behaviour that are less severe, but also unacceptable. This can include:

- Contacting L'Arche too many times
- Taking up a lot of time when contacting us by email or phone
- Expecting things to be done instantly
- Continuing with another related complaint or providing additional information about the complaint that we believe has been dealt with
- Asking us to look at any issue that we have already looked at
- Sending us new complaints before we have responded to earlier complaints.

We will aim to explain to the complainant why we find their behaviour unreasonable and ask them to change it. If the unacceptable behaviour continues, we may wish to take action to restrict the complainants contact with our offices or services. The decision to restrict access will be taken by the Community Leader, Regional Leader, or Deputy National Leader.

Methods of restricting access can include one or more of the following:

- Reducing the time we spend looking at a complaint
- Stop looking at the complaint altogether
- Limiting contact with person
- Requesting contact in a particular form (for example, letters only)
- Requiring contact with another named person
- Restricting telephone calls to specified days and times
- Stopping all contact for a period of time
- Blocking all future calls and contact.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Regional Leader or Deputy National Leader can consider other options, for example reporting the matter to the police or taking legal action. In following this guidance we should also refer to the Mental Capacity Act (England and Wales), Adults with Incapacity (Scotland) Act 2000, and any relevant equality and human rights guidance, see **SC06b EHRC Protecting our staff from bad behaviour**.

At a later date, we may feel that we might review our decision. For example, because some time has passed; circumstances have changed; we have found a different solution; or we find out that there was some other valid reason for the unacceptable behaviour. If this is the case, then again this must be agreed by the Community Leader, Regional Leader, or Deputy National Leader.

12. COMPLIMENTS

Compliments are always welcome, and are always passed on to the relevant team or person. Please feel able to tell us what we do well, and not only where we fall short.

13. RECORD KEEPING

The Community Leader will keep a register of all formal complaints across the Community, relating to service provision or any other aspect of community life.

Records of formal complaints made relating to service provision and outcomes must be stored securely and confidentially in the Registered Office, and made available to Regulators and those who have a legal right to view them. Anonymised records and case studies should be used as reflective practice tools to aid learning.

Records of compliments should also be kept and shared with Regulators and others who have a legal right to view them. Anonymised compliments (or attributed compliments, with the person's permission) may be shared locally, nationally or internationally within L'Arche.

14. FURTHER ACTION

If individuals are dissatisfied with the outcome of the above internal complaints procedures or wish to make a complaint by alternative means this can be done through the authorities which fund L'Arche services (the appropriate local authority or health body), or through the registration bodies that inspect the care and support offered by L'Arche. The step of raising a complaint with the Care Regulator in that country is an option they are free to consider at any stage. Once the L'Arche complaints procedure has completed, the right remains to complain

to the relevant Ombudsman. The contact details for the care regulators and Ombudsman are:

England:

- CQC, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA 03000 616161.
www.cqc.org.uk/get-involved/share-your-experience/people's-experience-care-what-we-want-know-why
- Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH. 0300 061 0614.
www.lgo.org.uk

Scotland:

- Care Inspectorate **Inverness**, Scottish Natural Heritage, Great Glen House, Leachkin Road, Inverness, IV3 8NW, or **Edinburgh**, 3 C & D South, Victoria Quay, Edinburgh, EH6 6QQ. 0345 600 9527. www.careinspectorate.com
- Scottish Ombudsman: SPSO FREEPOST EH641 Edinburgh EH3 OBR. 0800 377 7330.
www.spsos.org.uk

Wales:

- Care Inspectorate Wales, Welsh Government, Rhydycar, CF48 1UZ. 0300 7900 126.
<https://careinspectorate.wales/raiseaconcern/providing-feedback-care-service>
- Public Services Ombudsman for Wales, 1 Ffordd yr Hen Gae, Pencoed, CF35 5LJ
www.ombudsman-wales.org.uk 0300 790 0203

15. LINKS TO OTHER L'ARCHE DOCUMENTATION

L'Arche Handbook: B13 Grievance policy and procedure

SC01 Safeguarding / Adult Support and Protection policy

RM03 Duty of Candour

SC22 Advocacy policy – England and Wales

A2 Whistleblowing (public interest disclosure) policy.

16. REVIEW OF POLICY AND PROCEDURES

This document will be reviewed every three years or sooner in the event of new legislation or change in statutory guidance.

Policy Name	Complaints and compliments
Policy No:	SC06
Date:	May 2022
To be reviewed by:	May 2025

Person responsible:	Care Policy and Quality Manager
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