

Policy name	Complaints, Suggestions and Compliments, Vexatious Complaints Policy & Procedure		
Author	Care and Support Department		
Review date	Dec 2023	Next review	Dec 2024
Applicable Service	All QVT services, including Elmwood Lodge and Hatherley Lodge Care Homes		
Date of Adoption for Care Home Services	Dec 2023		
Note	All QVT Policies are reviewed annually, more frequently, or as necessary. This policy and procedure was written in line with the Housing Ombudsman's Complaint Handling Code. The term "client" is used to refer to all individuals using our services, including residents of care homes.		

Purpose

QVT is committed to providing the best possible service for everyone who we support and work with. We recognise that the way we manage and respond to complaints, compliments and suggestions is an important part of this. By receiving feedback from the people who use our services, we can make sure that we did the best we can. And if we've done something not as well as they would have liked, we need to know that too. Only then can we learn and improve.

Definitions

- a **compliment** is an expression of praise concerning a service received.
- a **suggestion** is a comment for how a service can be improved.
- a **complaint** is an expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation, its own staff, or those acting on its behalf, affecting an individual resident or group of residents.
- a **service request** is a request from a resident to QVT requiring action to be taken to put something right.

QVT staff and clients should recognise the difference between a service request and a complaint.

A service request is a request from a resident to QVT requiring action to be taken to put something right. Service requests are recorded, monitored, and reviewed regularly. A complaint should be raised when the resident raises dissatisfaction with the response to their service request.

For further guidance on how to decide whether the approach is a service request or a complaint, see our flow charts in Appendix A.

Who can make a service request or a complaint?



The policy and procedure apply to all clients of Quo Vadis Trust, those on the waiting list for accommodations and clients who terminated their stay within 12 months.

If someone makes a complaint who is not included in this group they will be responded to separately and outside of this procedure, but in line with stage 1 of the policy. Advice from a Senior Management Team member must be obtained.

A Service Request

A service request is an opportunity to raise a concern without having to make a formal complaint. Anyone wishing to make a service request about QVT's services should in the first instance speak to the scheme Housing Officer.

A complaint can be made without first making a service request, or a service request can be escalated to a complaint at any point. The complainant decides.

How to handle a service request

Staff members must ensure that anyone making a service request receives a first point of contact within 3 working days to resolve the issue by the staff member. If the service request cannot be resolved at the first contact point the staff member must investigate and respond with a resolution within 10 working days.

Any Service Request that cannot be resolved within the timeframe must be escalated to a formal complaint and notification sent to the person who made the Service Request.

If a staff member receiving a service request considers it to be of a serious nature the complaint must be immediately escalated to a Formal Complaint and the person making the request informed.

All service requests will be recorded in Inform or Care Vision and reviewed daily by the Housing Manager or Register Manager to ensure requests are appropriately recorded and outcomes logged.

The Head of Care and Support reviews the Service Request Report on a quarterly basis to identify any patterns or themes which require addressing to improve service delivery and quality.

Complaints

Complaints can be received by:

- Telephone
- Letter
- Email to complaints@qvt.org.uk,
- QVT website page
- Telling a Quo Vadis member of staff
- Representation from an advocate acting on behalf of the person such as the Citizens Advice Bureau, MP, friend, or family member.

Reasonable adjustments - Reasonable adjustments will be made for residents with protected characteristics, this may mean allowing additional time to provide information in response to enquiries etc (part of The Equality Act 2010).



Complaints that cannot be accepted - Quo Vadis Trust will accept all complaints unless there is a valid, fair, and reasonable reason to exclude the complaint:

- The complaint happened normally over six months ago, and therefore the matter cannot be investigated. The decision to accept a complaint which is over 6 months will be considered by a member of the Senior Management Team who would not be responsible for responding to the complaint to maintain independence.
- The complaint has been already considered under the complaints policy.
- The complaint concerns insurance claims, ongoing legal action (including rent arrears) or criminal actions, ongoing court proceedings.
- Matters concerning staff dealt with through the disciplinary code or through staff management or performance procedures.
- A first request for service, information or an explanation of our policies and procedures.
- Reported cases of neighbour disputes, anti-social behaviour, hate crime or domestic abuse, unless you are complaining about how we have handled your reports.
- A complaint about a Subject Access Request (SAR). This is dealt with under our SAR policy.
- Your complaint is not about us or our contractors but about another organisation.

If a complaint cannot be accepted a written detailed explanation will be provided. Before you let a complainant know Quo Vadis Trust will not accept their complaint, please gain written confirmation first from a member of the Senior Management Team. This decision can be challenged by bringing the complaint to the Ombudsman.

Dealing with complaints

- We will listen to the complaint and carefully consider the client expectations and desired outcomes.
- We will aim to resolve the complaint as quickly as possible. Where possible complaint responses will be made via your preferred method, followed by a written response. The written response will detail any follow up actions that are required to resolve the complaint and a timescale given for when these are expected to be complete. Written responses can be translated into a preferred form or language on request.
- At any stage during the complaint, the client can approach the Housing Ombudsman (or other relevant Ombudsman) for independent advice around your complaint. Once the complaint has exhausted our internal procedure, you can contact the Ombudsman for a further investigation should you remain unhappy.
- We are committed to ensuring that our staff are treated with respect. To protect our staff, we will not engage with any threatening or abusive behaviour. We will deal with any unacceptable behaviour under the relevant policies.
- A copy of this complaint procedure will be on display in all the schemes.
- All complaints will be investigated by a person not related to the immediate source of the complaint.
- Complaints will be recorded centrally and on a secured file within the QVT computer system.
- All complaints will be recorded on a complaint log for monitoring and auditing purposes.



- All complaints will be reviewed quarterly by the Head of Care and Support and shared with the Senior Team and the Board of Trustees.
- Where the complaint gives rise to concerns regarding the safety and/or wellbeing of one or more clients, due to the staff members' direct or indirect actions; a complaint may be raised alongside resulting HR processes being instigated such as an investigation.

Serious allegations against staff

- Employees who are the subject of a serious complaint/allegation may be asked not to communicate directly with the complainant unless accompanied by a senior member of staff.
- Complaints/allegations resulting in potential criminal action being taken should follow the safeguarding policy, files being immediately quarantined and staff either being removed from current duties or being suspended.
- Any internal investigation will be put on hold until directed by either the safeguarding lead or the police to start or restart the internal investigation.
- Depending on the result of the external investigation QVT may be required to report such investigation to the DBS.

At Quo Vadis Trust we have a two stage complaints process.

Stage 1

When a complaint is made, it must be acknowledged and logged at stage one of the complaints procedure **within five days of receipt**.

The acknowledgement will set out to the complainant the name of the officer who will oversee the complaint and the date a response can be expected. It will also briefly set out the complaint to ensure we have identified the complaint correctly. A response should be provided to the complainant **within 10 working days from receipt**.

A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.

The Complaint and actions taken will be logged in Inform.

If it is not possible to complete the investigations within 10 working days, the complainant is informed and provided with a date for a response - this should not exceed 10 working days.

A Stage 1 Complaint response will address the following areas:

- The complaint will be titled "Complaint Stage 1 Reference No"
- the outcome of the complaint
- the reasons for the decisions made
- the details of any remedy offered to put things right
- details of any outstanding actions



Usually stage 1 of the complaint will be dealt by a Housing Manager.

Closing a stage 1 complaint - The closing paragraph to a stage 1 complaint will be as follows:
“If however you wish to pursue the matter further, you may request that your complaint be referred to Stage 2.

Please explain why you remain dissatisfied and what you expect from a further review. A request for a review should be made within 6 months of the date of this letter.

Stage 2

Acknowledgement of the Stage 2 complaint is issued within 5 working days of being received. It will also briefly set out the complaint to ensure the response is correct. If the Stage 2 complaint is received by telephone, the acknowledgment will need to include what the complaint is and what the complainant's expected outcomes are. The acknowledgement will set out to the complainant the name of the officer who will oversee the Stage 2 complaint and the date a response can be expected, which will be **20 working days from receipt**.

The complaint will be investigated by the appropriate member of the Senior Management Team who will be independent of the Stage 1 investigation.

This where possible it will include an interview with the complainant, either in person or over the telephone, or Zoom / Microsoft Teams (or other means where both parties can connect).

The investigation and written response to the complainant will be completed within **20 days** of the Stage 2 complaint being made.

A Stage 2 response will address the following areas:

- The complaint will be titled “Complaint Review Reference No”
- the outcome of the review.
- the reasons for the decisions made.
- the details of any remedy offered to put things right and apology if appropriate.
- details of any outstanding actions.

If it is not possible to complete the investigations within 20 working days, the complainant is informed and provided with a date for a response. Any extension should not exceed a further 10 working days without good reason.

A complaint response must be sent to the resident when the answer to the complaint is known, not when the outstanding actions required to address the issue, are completed. Outstanding actions must still be tracked and actioned expeditiously with regular updates provided to the resident.

Quo Vadis Trust hopes all complaints are resolved, however if a resident remains dissatisfied after exhausting the policy, they can ask for a review of the case by the Housing Ombudsman Service or if it relates to care services delivered by QVT it can be referred to the Local Government and Social Care Ombudsman.



Closing as stage 2 complaint - The closing paragraph to a stage 2 Housing complaint will be as follows:

“I trust we have now addressed all the points you have raised in your correspondence.”
If however you are not satisfied with our response you can contact the Housing Ombudsman

Housing Ombudsman service
PO Box 152, Liverpool L33 7WQ
Tel: 0300 111 3000

You can also contact the Housing Ombudsman via
info@housing-ombudsman.org.uk for further assistance.
The Ombudsman Service is free, independent and impartial.”

The closing paragraph to a Stage 2 Housing regarding Social care will be as follows:

“If however you are not satisfied with our response you can contact the Local Government and Social Care Ombudsman
The Local Government and Social Care Ombudsman
PO Box 4771
Coventry
CV4 0EH
Tel: 0300 061 0614
www.lgo.org.uk
You can also contact the Local Government and Social Care Ombudsman via
their helpline number is 0300 061 0614
The Ombudsman Service is free, independent and impartial.”

Follow up

Following the internal complaints process being completed, if the complainant is still unhappy with the outcome of the investigation, they have the right to refer the complaint externally.

If a complaint concerns housing, it should be referred to the Housing Ombudsman and if the complaint concerns care it should be referred to The Local Government and Social Care Ombudsman.

Whilst the complaint is being referred to the Ombudsman if appropriate QVT can continue to work with the client to resolve the complaint,. If QVT managers or senior managers are uncertain, they can contact the Ombudsman service for advice.

The Housing Ombudsman Service - There contact details are:

Housing Ombudsman service
PO Box 152, Liverpool L33 7WQ
Tel: 0300 111 3000
E-mail: info@housing-ombudsman.org.uk



Web: www.housing-ombudsman.org.uk

The Local Government and Social Care Ombudsman - In the case of complaints relating to care, a resident may refer a complaint to The Local Government and Social Care Ombudsman who provides a free, independent service. This can be done directly, or if they are not satisfied with the outcome of the internal process. However, the Ombudsman will require an internal process to be completed before they become involved.

QVT care homes are registered with the Care Quality Commission (CQC) and although the CQC are unable to investigate individual complaints they are, however, happy to receive information regarding our services. Contact details are provided below:

The Local Government and Social Care Ombudsman
PO Box 4771
Coventry, CV4 0EH
Tel: 0300 061 0614
Web: www.lgo.org.uk

Care Quality Commission Customer Service Centre
City Gate, Gallowgate
Newcastle upon Tyne, NE1 4PA
Tel: 0300 616161
Web: www.cqc.org.uk

For clients residing in Lewisham, the complaint could be referred to the local authority:

Prevention and Inclusion Team
2nd Floor, Laurence House, 1 Catford Road
London
SE6 4RU
T: 020 8314 8226
E: supportingpeople@lewisham.gov.uk

Vexatious Complaints

Dealing with abusive, harassing, persistent, or vexatious complaints and complainants

It is considered that all complainants have the right to have their concerns examined in line with the relevant complaint procedure. In most cases, dealing with complaints will be a straightforward process; however, in a minority of cases, the complainant may act in a manner that is deemed unacceptable. Those identified as abusive, persistent and/or vexatious complaints will be treated consistently, honestly and proportionately while ensuring that other clients, staff, volunteers and QVT as a whole suffer no detriment



Complainants may act in a way that is considered abusive, harassing unreasonably persistent or vexatious and by doing so it may hinder the QVT's ability to investigate their complaint or the complaints of others. This behaviour may occur at any time before, during or after a complaint has been investigated.

The time spent on dealing with all complaints should be proportionate to the nature of the complaint and consistent with the outcome that is being sought being realistic and achievable.

How is unreasonable complaint behaviour defined?

QVT has adopted the Local Government and Social Care Ombudsman's definition and the identified characteristics for unreasonable or unreasonably persistent complainants *"For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints"*.

Examples of unreasonably persistent behaviour:

(this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of QVT's jurisdiction or within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous QVT staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Examples of abusive, harassing and/or vexatious complainants

QVT will take steps to protect its staff from members of the public and service users who are behaving in a way which is considered abusive, harassing and/or vexatious. This may



include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards QVT staff which provokes fear.
- Making unwarranted or disparaging remarks about a member of staff.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed.

Managing unreasonable complainant behaviour

Types of actions QVT may take:

- Where the complainant tries to reopen an issue that has already been considered through one of QVT's complaints procedures, they will be informed in writing that the procedure has been exhausted and that the matter is now closed
- Where a decision on the complaint has been made, the complainant should be informed that future correspondence will be read and placed on file, but not acknowledged, unless it contains important new information
- The complainant will be limited to one type of contact (e.g. letter, email, etc.)
- Limits will be placed on the number and duration of contacts with staff per week or month
- The complainant will be informed that any contact will take place with a specific, named member of staff and if they do not keep to these arrangements, any further correspondence that does not highlight any significantly new matters will not necessarily be acknowledged and responded to, but will be kept on file
- One member of staff will be assigned to read the complainant's correspondence, in order to ensure appropriate action is taken
- A restricted time slot will be offered for necessary calls to specified dates and times
- Face to face contacts will take place in the presence of a witness and in a suitable location
- QVT staff will end any meeting with a complainant if the complainant's conduct or behaviour becomes disrespectful or aggressive

Matters to take into account before taking actions

Before taking a decision to invoke this policy, consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior member of staff in order to seek a mutually agreeable resolution
- If it is known or suspected that the complainant has any special communication needs then consider offering an independent advocate who may assist the complainant with their communication with QVT



- Where more than one department is being contacted by the complainant, agree a cross departmental approach; and designate a lead officer to co-ordinate QVT's response.

Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

Imposing restrictions

In the first instance the Head of Care and Support Services, in consultation with the relevant Service Manager will communicate to the complainant either by phone or in writing to explain why this behaviour is causing concern and ask them to change this behaviour. The Senior Manager will explain what actions QVT may take if the behaviour does not change.

If the complainant continues with the unreasonable behaviour the Head of Care and Support Services will consult the Service Manager about whether it is necessary to take appropriate action by invoking this policy.

When the decision has been taken to apply this vexation policy to a complainant, the Senior Manager will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action QVT will be taking
- the duration of that action
- the review process of this policy
- the right of the complainant to contact the Local Government Ombudsman about the fact that they have been treated as a persistent/vexatious complainant.

Any restriction that is imposed on the complainant's contact with QVT will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

If the complainant continues to behave in a way which is deemed unacceptable then the Head of Care and Support Services, in consultation with the Service Manager, may decide to refuse to discuss the complaint any further and cease any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, QVT will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, QVT may not give the complainant prior warning of that action. QVT may also consider issuing formal warnings to the complainant. In extreme cases QVT will issue an eviction notice and may ask the complainant to vacate immediately.

New complaints from those who have been treated as being abusive, vexatious and/or unreasonably persistent complainants.



Any new complaints received from complainants who have come under this policy will be treated on their merits. QVT does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

Review

The Head of Care and Support Services will review any restrictions which are imposed upon the complainant after three months and at the end of every subsequent three months within the period during which the policy is to apply.

Should the decision be taken to extend the period of restriction, the complainant will be advised in writing how QVT plans to go about this and that the decision to restrict contact will be put in place for a further specified period (e.g. six months). The outcome of any subsequent review will be communicated to the complainant, outlining if the restrictions will continue to apply and if so why.

Ceasing Contact with a Complainant

There may be occasions where the relationship between QVT and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs QVT will advise the complainant that they may approach the Local Government & Social Care Ombudsman who may be prepared to consider a complaint before the procedure has run its course.

Suggestions/Compliments

Clients can make suggestions and compliments via the following formats

- Key Worker Sessions
- House Meetings
- Suggestion Boxes situated at each scheme
- Client Forums

Housing Officers will inform their Housing Manager about any suggestions or compliment made. The Housing Manager will inform the Head of Care and Support Services of any suggestions from clients that require further discussion and/or approval. Compliments will be recorded in In-Form.

Record Keeping



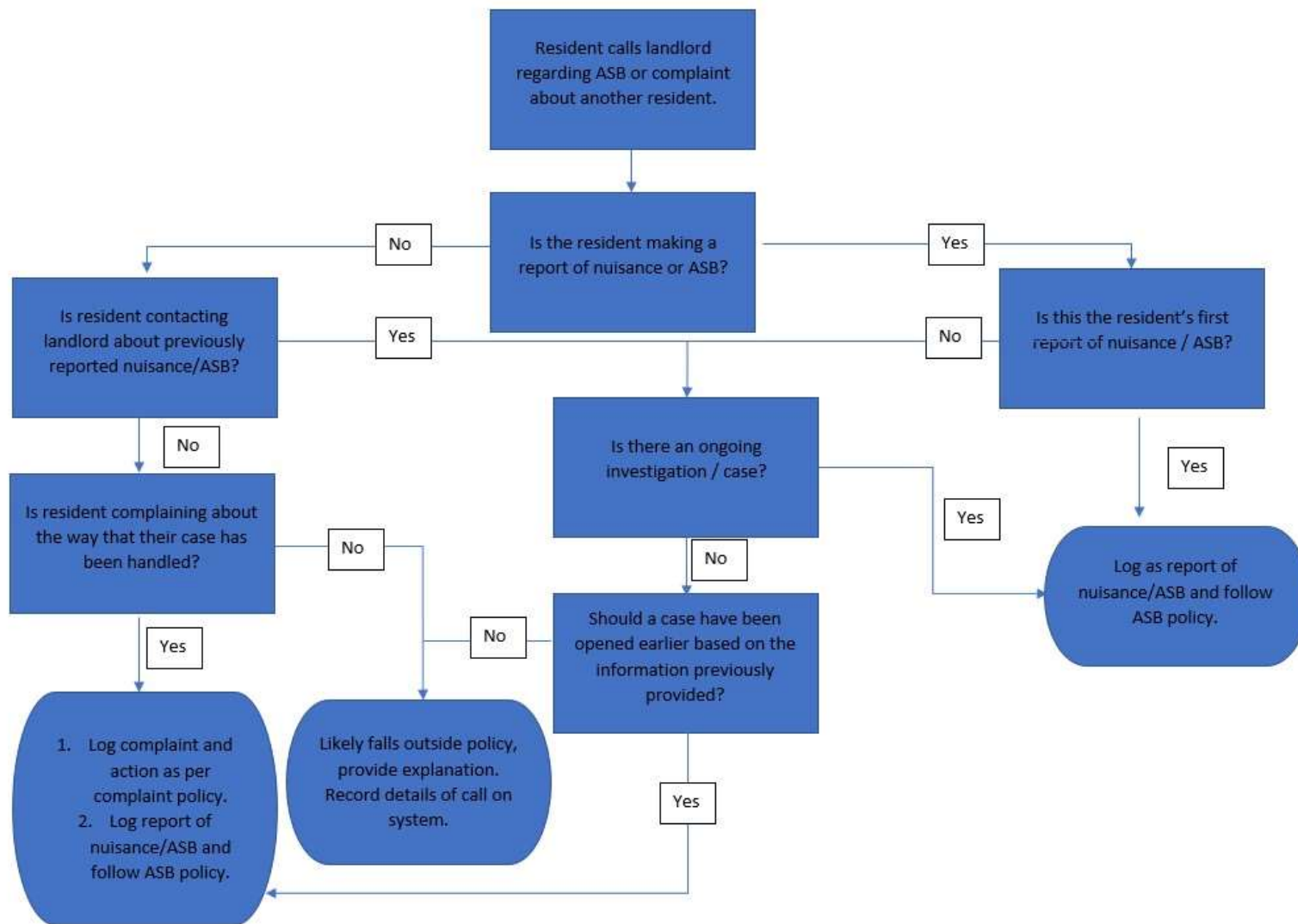
All complaints, compliments and suggestions will be logged in QVT system, InForm.

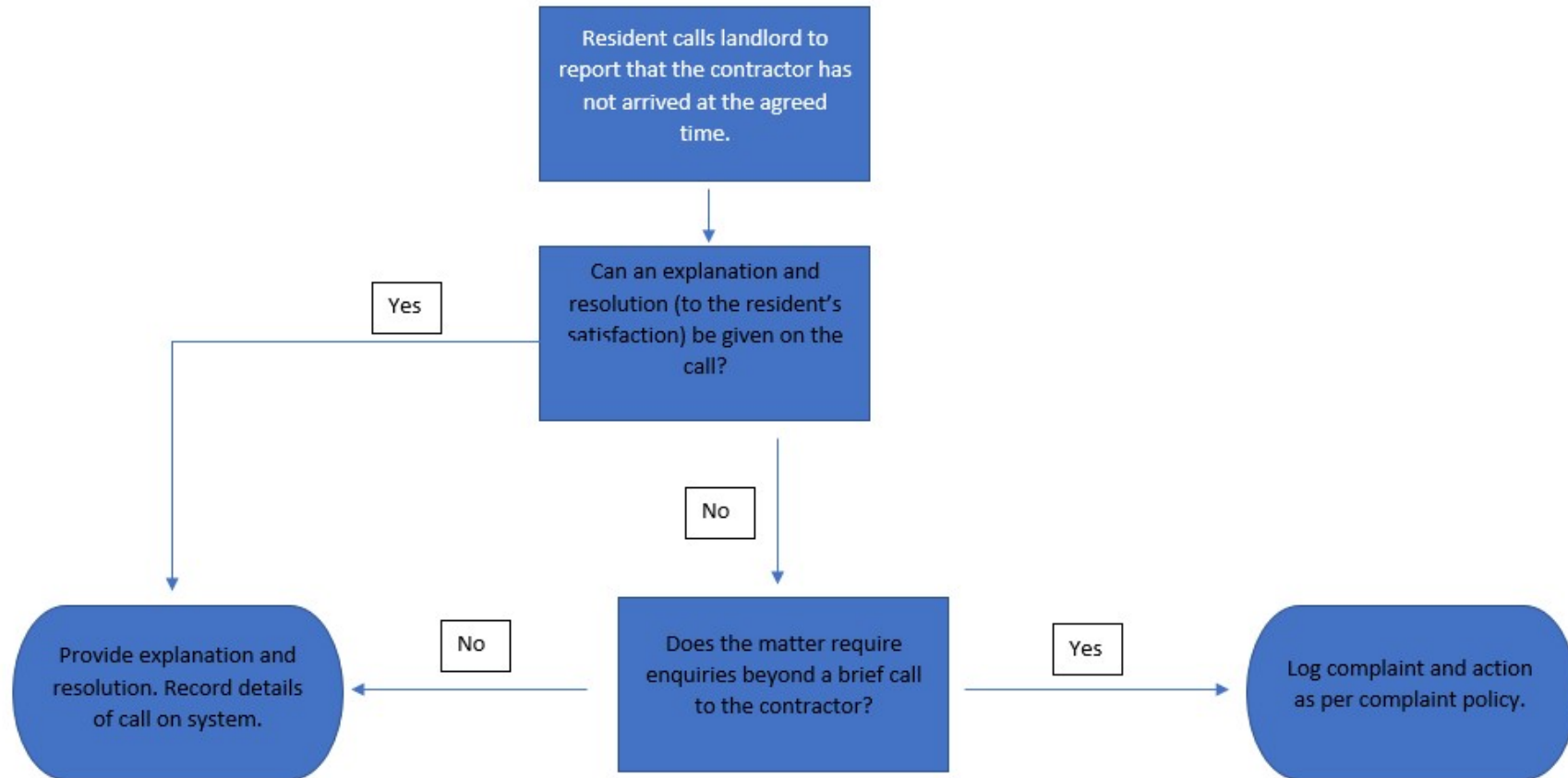
A complaint log will be analysed quarterly by the Head of Care and Support and a report of anonymised information will be shared with the Senior Management Team and the board of Trustees.

QVT will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.



Please see Appendix 1- Examples of Service Request or Complaint Flowchart.
Please note that on the Flowchart the term “Landlord” refers to “QVT.”





Should this read disrepair instead repair?

