



COMPLIMENTS AND COMPLAINTS POLICY

Date:	April 2024
Date to be reviewed:	April 2027
Version:	v24.3
Author:	Head of Quality and Performance
Department:	Quality and Performance
Department:	Quality and Performance
Authorised by:	Director of Marketing and Innovation
Signature:	
Sign off date:	1 st May 2024

This policy is written for all Phoenix Futures staff and services.

1. Introduction and definition

- 1.1.** People who use our services, and their representatives and also members of the public have a right to complain and raise concerns about the performance of our services. We believe that providing a clear and easily accessible complaints procedure is an essential part of our duties. It ensures that the interests of people who use our services are at the heart of all we do.

Standards are set and regulated by The Care Quality Commission and by the Care Inspectorate for registered residential treatment services located in England and Scotland.

Guidance of the standards can be found here:

Scotland: [Health and Social Care Standards: my support, my life - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/health-social-care-standards/my-support-my-life/pages/introduction.aspx)

England: [The fundamental standards - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk/publications/fundamental-standards)

We accept that we may not always be able to meet the needs and wishes of some individuals, or that we may, from time to time, fail to come up to our own high expectations. We recognise it is important to highlight areas of improvement and we value feedback.

Complaints are valuable to people who use our services, who deserve an explanation when things possibly go wrong, or need improving and want to know that steps have been taken to make it less likely to happen again.

Feedback is integral to our organisation, because they help us to get an accurate picture of the level and quality of our services, and we use all feedback to continuously improve our services; in the case of complaints to satisfactorily resolve problems where possible. Complaints may signal a problem – the information can help save lives and raising concerns will help improve the quality of care for other people.

Our definition of a complaint defines a complaint as ‘an expression of dissatisfaction that requires a response’ made orally or in writing. All Phoenix Futures staff will try to resolve complaints at the time they are made or within a specific timeframe of working days. Any concerns made directly to a member of staff which constitutes a complaint should be reported to the staff member’s line manager irrespective of whether it has been successfully resolved at the time that the concern was made or soon as practicably thereafter. Where it is not a complaint identified to a specific service, or it is a general enquiry, these should be referred to the Quality Department for advice on responding.

It is our intention at all times to communicate with people fairly and appropriately. If someone feels that we have not met that standard, please let us know. Where there is reason to believe our conduct has fallen short, we want to be able to resolve any issues and learn from what has happened so that we can continuously improve.

A person accessing any of our services does not have to use the word ‘complaint’ for it to be treated as such. Whenever a person expresses dissatisfaction within one of our services, we must give them the choice to make complaint. A complaint that is submitted via a third party or representative must be handled in line with this policy.

1.2. Compliments, requests, and complaints may come from:

- People who currently use our services
- People who have used services or visited a service
- Someone acting on behalf of people who currently or formerly used our services.
- Contractors
- Partnership organisations
- Neighbours
- Members of the public

Everyone has the right to offer feedback by way of a complaint in line with legislation:
Guidance can be found here:

For England - [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009 \(legislation.gov.uk\)](#)

For Scotland - <https://www.legislation.gov.uk/sdsi/2011/9780111012321/regulation/18>

2. What this policy does not cover

2.1. Staff - Complaints from staff should come in the form of:

- Grievance - applies to all employees that want to raise a personal concern, problem or complaint with their working conditions or relationships with colleagues.
- Whistleblowing – applies to all employees that want to report fraud, corruption and other malpractice within the organisation and is for the public interest.

2.2. Staff must not make Complaints through the Complaints procedure; they have the other avenues listed above.

2.3. People who use our services are covered by the Complaints procedure and also by Harassment and Nuisance policy (in cases of harassment or nuisance).

3. Complaints Procedures Principles

We take complaints very seriously and are committed to handling them in a professional way. Our complaints handling procedure follows these principles.

3.1. Focused on people who use our services:

- Puts the complainant at the heart of our complaint handling process.
- Listens to, respects, and treats complainants with dignity.
- How we investigate and resolve the complaint will be proportionate and appropriate to the circumstances of the case.
- Ensures complainants feel supported in bringing a complaint to us.
- Observes complainant anonymity and confidentiality, when requested and possible.
- Tries to resolve complaints as close to the point of complaint as possible.

3.2. Easy to find and use:

- Must be in clear and in accessible format
- Available and accessible to everyone in our services
- Well publicised

- Detailed process and specific time frames for responding to each stage
- Designed to support the needs of everyone

3.3. Simple and timely:

- Has as few stages as possible and supports complaints being completed, where possible, within 10 or 20 working days of acknowledging the complaint, depending on the Stage and nature of the Complaint.
- Where timescales cannot be met for good reason, we will keep complainants informed of those reasons and give a revised date for feedback within 10 working days.
- We will clearly describe the investigation process to the Complainant.
- Formal Complaints will be acknowledged by the Quality Team within 5 working days.

3.4. Thorough, and proportionate:

- Investigations, outcomes, and actions will be thorough and proportionate whilst being flexible in considering the needs of the individual complainant.
- If the complaint is upheld, we will identify improvements and take appropriate action which will be followed through by the Service Manager and or the Head of Operations.

3.5. Objective, impartial and fair:

- Objective, with conclusions based on the facts and evidence.
- Staff involved in complaints handling will be professional, impartial, independent, and accountable.
- All those involved in the complaints process will be treated fairly.

3.6. Seeks early resolution:

- We will seek to resolve complaints.
- We will clarify the outcome that the complainant wants at the outset.
- We will carry out a formal investigation when necessary and ensure that a further internal review is available if the complainant is still dissatisfied through appeal.

3.7. Supports improvement

- We will use the information we hold about complaints to support quality improvement in service delivery, as well as to assess risk, measure performance, identify trends, highlight problems, demonstrate improvement, and share best practice.

4. Responsibilities of services

4.1. Managers must:

- Make everyone aware of the Compliments and Complaints Policy and ensure that staff understand and follow this procedure and are equipped and empowered to put things right promptly where something has gone wrong, with Managers' support.
- Ensure that up-to-date Compliments and Complaints leaflets / posters and the Compliments and Complaints policy and email address, are freely available to people who use our services without them having to ask staff for access.
- Ensure that external parties receive the information they require to make a compliment or complaint.

- Develop a learning culture that values and welcomes complaints as a way of putting things right and improving service provision.
- Be responsible and accountable for complaint handling.
- Ensure learning from complaints is used to improve experience of people who use our services, safety, and service delivery.
- Managers to inform complainant about an extension to the timescales when investigating a complaint.
- Complainant must be provided with the contact details of the Care Inspectorate / Housing Ombudsman / CQC at all stages.

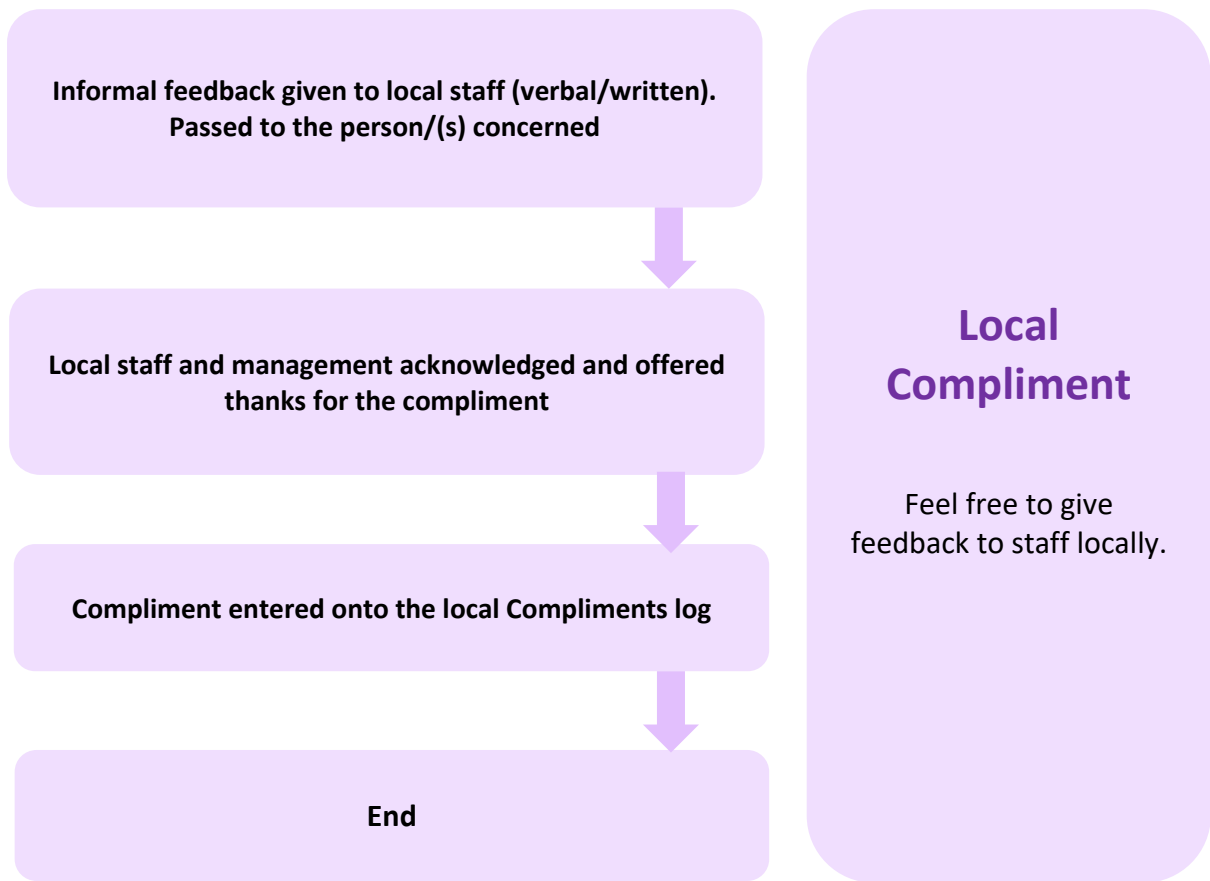
4.2. Staff should:

- Discuss the Compliments and Complaints procedure with every person accessing the service and offer them a physical copy of the procedure via the organisational complaint leaflet.
- Follow the Compliments and Complaints Procedures to ensure people who use our services are informed about this process and feel supported in it and staff are able, with Managers' support, to put things right promptly where something has gone wrong.

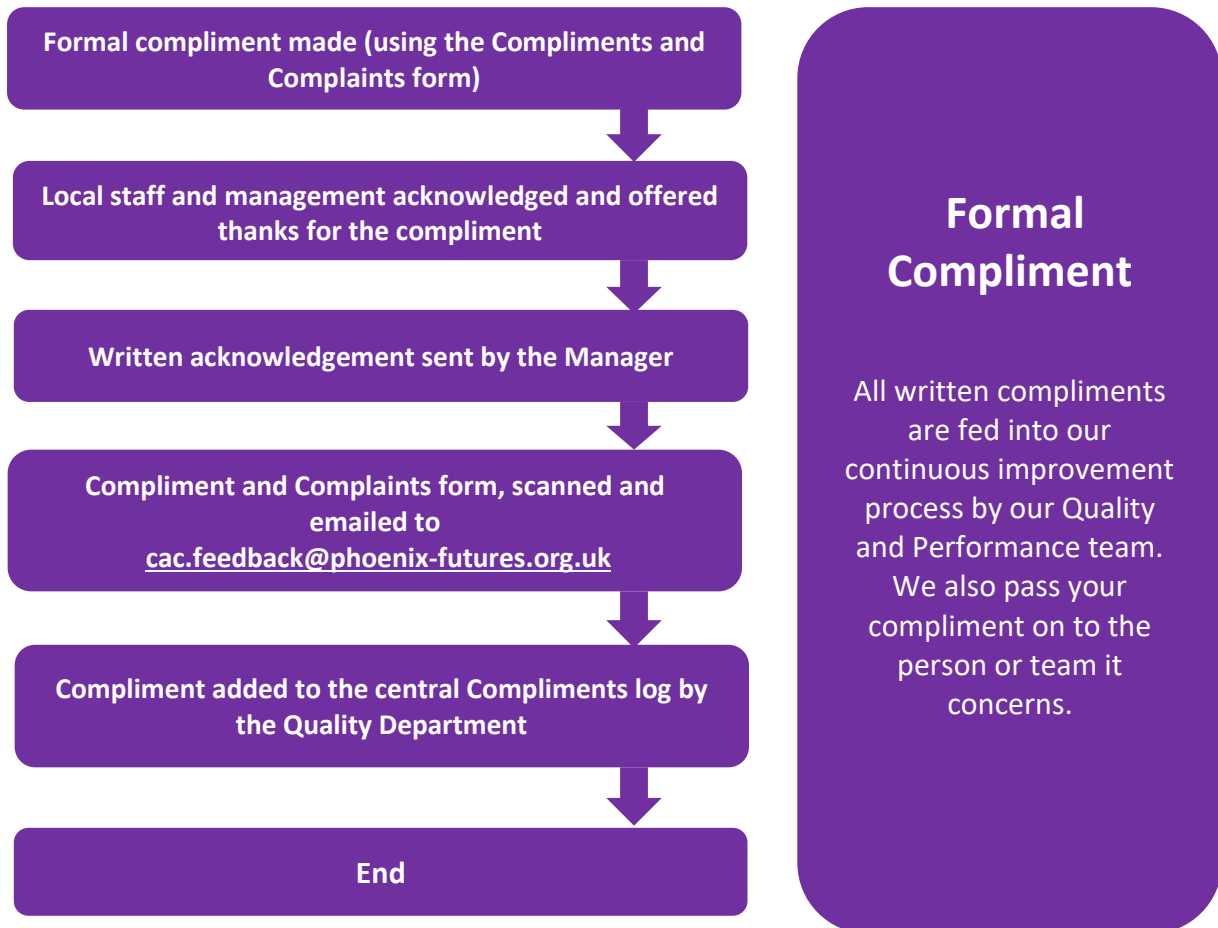
5. Compliments

Compliment handling process can be local, when it's received informally at the service or formal, when it's received formally via Compliments and Complaints Leaflet or Mailbox.

5.1. Local Compliment



5.2. Formal Compliment



5.3. Compliments can be made by:

- Thanking staff locally
- Email to cac.feedback@phoenixfutures.org.uk
- Writing to Phoenix Futures, 68 Newington Causeway, London SE1 6DF
- Calling 0207 234 9786

5.4. In all cases, if possible, please quote your reference number (pre-printed unique reference number on the Compliments and Complaints form).

5.5. For full details of how formal compliments are handled please contact the Quality and Performance Department (details above and on the Compliments and Complaints form).

5.6. If a compliment is made formally, it may be used within staff appraisals or (with consent) used in promotional materials.

6. Complaints

Most complaints are best resolved at the local service level to ensure that they are investigated promptly and thoroughly. All complaints are initially handled by local managers, except complaints that relate to the local manager, or if the complaint is about safeguarding or harm.

How Phoenix Futures responds to people in the services is integral on creating a supportive and more engaging streamlined process, to get the best outcome we can provide. By local managers

having the autonomy and accountability to implement changes more quickly by being able to respond to suggestions or requests in a more informal way.

All managers across Phoenix Futures will respond to complaints in the moment and respond robustly and consistently regarding the delivery of the service.

Managers responsibilities are the following:

- To acknowledge the conversation / leaflet regarding the complaint
- To offer a resolution where possible
- To inform the Quality Department of all complaints including verbal and written
- To respond to the request in a timely manner (No longer than 10 working days)

By removing the stage 1 (Local complaint) process the Quality Department will continue to support managers to ensure the safety and care of people accessing the services, to create earlier interventions and to drive service improvements locally based on the needs of people accessing them.

If the issue is not resolved, the local Team or Service manager should inform the Quality Department.

6.1. The Formal Complaint Stage (1)

6.1.1. Complaints are dealt under the Formal Complaint Stage (1) if:

- The complainant is not satisfied with a service provided
- The complaint is against the local manager
- The complaint is about safeguarding or abuse

6.1.2. Complaints can be made by:

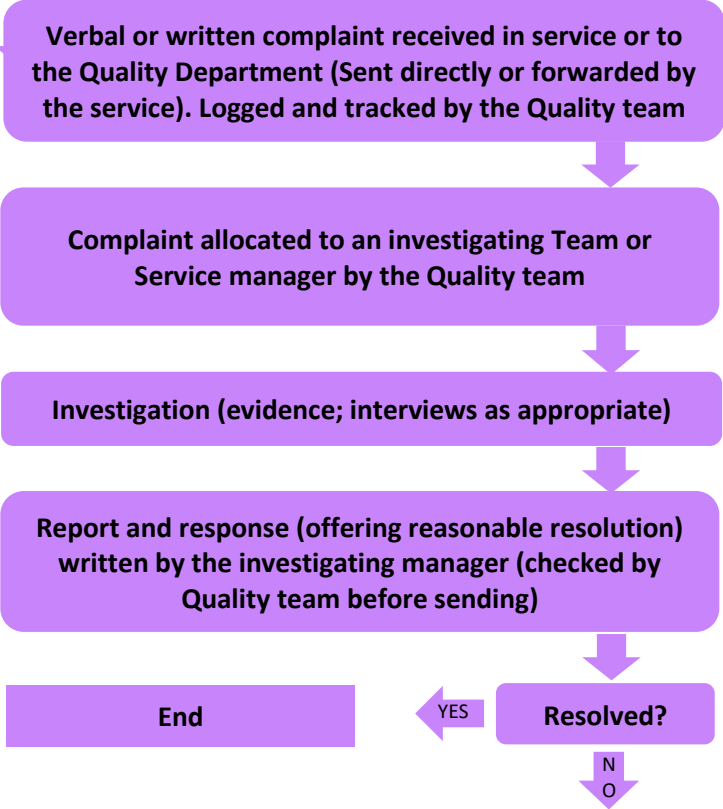
- cac.feedback@phoenixfutures.org.uk
- Writing to Phoenix Futures, 68 Newington Causeway, London SE1 6DF
- Calling 020 7234 9786
- Contacting [Complain about a service or provider - Care Quality Commission \(cqc.org.uk\)](https://www.cqc.org.uk) for registered England services
- Contacting <http://www.sssc.uk.com/> or <https://www.careinspectorate.com/index.php/complaints> For Scotland services

It is important that the individual writes and sends the complaint themselves if possible. They may wish to contact a carer / independent advocate to help them, but complaints should not be advocated by staff members as this may be a conflict of interest. The Quality Team will confirm receipt of the Formal Complaint within 5 working days. The Quality department will assign a Team or Service Manager and or another manager to handle the investigation at the Formal Complaint Stage (1). This will be dependent on the nature of the complaint.

As well as offered resolution, the response will contain appeal details.

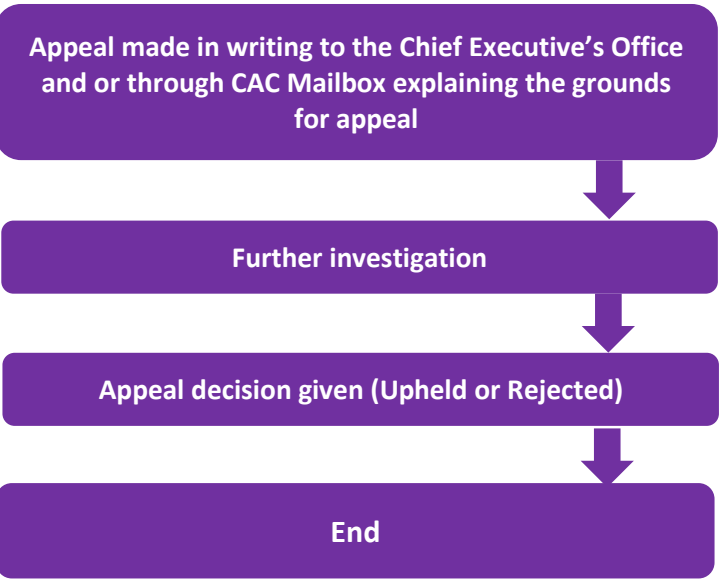
6.2 The Complaint Stage

The Complaints procedure follows a staged approach, as follows:



Complaint
Stage 1 Formal
(10 working days to resolve or respond)
 This can be extended a further 10 days with a full explanation given.

If the Complainant is dissatisfied with the response or resolution to this stage, they can proceed to **Stage 2 Appeal**. A Senior Manager will be assigned to investigate the complaint.



Appeal
Stage 2 Appeal
(20 working days to resolve or respond)
 This can be extended for a further 20 days with a full explanation given.

If the Complainant is dissatisfied with the response or resolution from the Appeal Stage they can contact:

Care Quality Commission
 Care Inspectorate
 Housing Ombudsman

6.3 The Appeal Stage (2)

- 6.3.1** If, when the complainant has received a response to the Formal Complaint Stage (1), they are dissatisfied with the outcome or the process they can write to the Chief Executive's Office at Phoenix Futures, 68 Newington Causeway, London SE1 6DF or email cac.feedback@phoenixfutures.org.uk. Correspondence should be marked "Private and Confidential".
- 6.3.2 The Quality Team will confirm receipt of the appeal within 5 working days on behalf of the Chief Executive's Office. If it concerns alleged harassment, it will be sent within three working days.
- 6.3.3 A separate manager will be allocated to investigate the complaint if deemed necessary. The complainant will receive an answer within 20 working days for a standard complaint and within 14 working days for an alleged case of harassment.
- 6.3.4 The Chief Executive's Office will also inform the Chair of the Board that the appeal has been received.
- 6.3.5 Following the investigation, a decision will be made to uphold or reject the appeal, that will be sent by the Quality Team on behalf of the senior investigating manager and forwarded to complainant.

6.4 Next steps

If the complainant is unhappy with the outcome of the appeal decision made by Phoenix Futures, then they will be advised to contact independent bodies external to Phoenix Futures.

England

- Registered residential treatment services - www.cqc.org.uk
- Housing - www.housing-ombudsman.org.uk

Scotland

- Registered residential treatment services - [Welcome to the Care Inspectorate](#)

6.5 Withdrawing a complaint

At any stage an individual may wish to withdraw a complaint they have made. This must be made in writing to the Quality and Performance department who will inform the relevant manager to either continue or stop the investigation. This decision will be made and agreed at a senior management level within the Quality department.

6.6 Complaint Investigation (All Stages):

The person handling the complaint will conduct a thorough investigation (reviewing available evidence and interviewing relevant individuals as appropriate).

Investigation Process:

The investigating manager should ensure that they:

- Clarify the nature of the complaint.
- Establish what has happened so far, and who has been involved.

- Contact the complainant. Explain the process, timescales, possible remedies, and actions and provide contact details.
- Clarify what the complainant feels would put things right to find a resolution.
- Interview those involved in the matter and review all available evidence. Conduct the interview with an open mind and be prepared.
- Keep notes of the interviews and fully complete the templates provided.
- Return the completed templates to the C&C mailbox within the deadlines above.
- Provide complainant with the decision of the findings and reasons for the decisions made.
- Any extension must be no more than 10 working days without good reason, and the reason(s) must be clearly explained to the complainant.

Contact with Complainant:

- Thank the Complainant for their feedback and ensure they know that we view complaints as opportunities for improvement, where necessary. Do not treat the complainant any differently during or after the complaint.
- Use language that is easy to understand and communicate with the complainant in a way that is appropriate to them and their circumstances.
- Demonstrate a person-centred approach. Make sure you don't use a one-size fits all approach and respond flexibly to the circumstances of the case. This means considering the severity, sensitivity and other intelligence related to the issue(s) being reported.
- Ensure they feel valued and listened to, by showing a caring attitude and a genuine attempt to understand the problem.
- Encourage them to state what actions they feel might resolve the problem, so always look for a solution.
- Where possible, offer the choice to keep the details of the complaint anonymous and confidential.
- On occasions, where we feel it is proportionate to step outside the policy where it involves situations including safeguarding and other harms, and not appropriate for the complainant at that time. Therefore, the complaint can be deferred for a reasonable amount of time and therefore the investigation can be delayed due to the complainant being fearful of repercussions.

Contact with Involved Parties (Staff, Witnesses):

- Explain that you are contacting them regarding a complaint and to ask questions that cover themes of the complaint, without providing specifics about the complainant (except when talking to Staff) or concerns that were raised.
- Act fairly towards staff. This means ensuring members of staff know that a complaint has been received about them and, where appropriate, have an opportunity to respond.

Complaints Resolution:

At each stage in the procedure, it is important to consider ways in which a complaint can be resolved. Providing fair and proportionate remedies is an integral part of good complaint handling. The person handling the complaint will aim to offer this to the complainant within the correct timeframes and they will formally respond to the complainant in writing through the Quality Department.

It may be appropriate to offer one or more of the following both verbally and in writing:

- An explanation.
- An assurance that the event will be investigated thoroughly and in line with Phoenix Futures policies.
- A possible apology and an admission that the situation could have been handled differently or better. An apology may be the only way of restoring Complainant's trust. (An admission that Phoenix Futures could have handled the situation better is not the same as an admission of negligence).
- Remedial actions implemented as soon as possible, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures, policies, or guidance to prevent the same thing happening again; training or supervising staff; or any combination of these.

As part of this process:

- Deal with complaints objectively, fairly, and consistently, so that similar circumstances are handled similarly.
- Be open and honest when accounting for decisions and actions, giving clear, evidence-based explanations and reasons.
- The remedy offer must clearly set out what will happen and by when, in agreement with the person where appropriate.
- Any remedy proposed must be followed through to completion by the service manager and or Head of Operations.

Seeking continuous improvement

Good complaint handling should ensure that all feedback and lessons learnt from complaints contribute to service improvement. Learning from complaints should be fed back to services to improve their performance.

As part of Phoenix Futures complaints process an annual self-assessment of complaints findings will be published on the website, to include analysis of performance handling and summary of the types of complaints received.

This will also be shared with the Board of Trustees for review and response; with the response also published on the Phoenix Futures website.

Where appropriate, wider learnings and/or improvements from complaints will be shared to stakeholders and relevant communities on a case-by-case basis. Utilisation of other communication tools such as 'you said, we did' will also provide transparency in relation to feedback, complaints and other suggestions arising from our commitment to co-production.

6.7 Vexatious complaints

6.7.1 Phoenix Futures welcomes formal complaints as well as compliments about our work. We seek to ensure that they are addressed in a proper manner and that the organisation learns from all feedback. However, a very small minority of people may make complaints that are vexatious, in that they persist unreasonably with their complaints, or make complaints without a genuine intention to resolve a problem. This may involve making serial complaints about different issues, or repeatedly complaining about the same or similar matters.

- 6.7.2 This may put a strain on our limited capacity to appropriately consider and respond to complaints, and to provide a quality service, as a whole.
- 6.7.3 Vexatious complaints are recognised by Local Government and Social Care Ombudsman as *'unreasonable and unreasonably persistent complainants, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints'*.
- 6.7.4 It is important to distinguish between people who make several complaints because they genuinely believe things have gone wrong, and people who make vexatious complaints. Complainants may be frustrated and aggrieved, and it is therefore important to consider the merits of the case rather than their attitude.
- 6.7.5 Below are a few examples of unreasonably persistent and/or vexatious complaints:
- The complainant refuses to co-operate, yet they wish the complaint to be resolved;
 - There are insufficient grounds for the complaint and/or this is made only to annoy;
 - The complaint is about issues outside the power of the organisation (e.g., Elements outside our capability to investigate, change or influence);
 - There are unreasonable numbers of contacts with us – repeated letters, telephone calls, emails, or other electronic communication;
 - There are persistent and unreasonable demands of staff and/or the complaints process (e.g., asking for immediate responses);
 - Attempts to complain about the staff member who is dealing with the complaint; dictating who they will/will not discuss with (e.g., senior managers/ CEO);
 - Attempts to harass, abuse and/or intimidate staff members who are dealing with the complaint; using foul, inappropriate, or threatening language;
 - Irrelevant or trivial information is introduced during the complaint investigation, whilst expecting this to be considered;
 - There are changes to the substance or basis of the complaint without reasonable justification, whilst the complaint is being addressed;
 - The complainant denies statement they made at an earlier stage of the process;
 - The complainant records meetings and/or conversations without the prior consent of the other person/people involved;
 - The complainant refuses to accept the outcome of the complaint process after this was concluded and exhausted, repeatedly arguing the point, complaining about the outcome and/or denying that an adequate response has been given.

*This list is not exhaustive.

Vexatious written complaints

- 6.7.6 Sometimes people may wish to get into discussion about the same matter. Unless they are giving new (and relevant) information about the matter in hand, then it is sufficient to simply point the complainant to Phoenix Futures Compliments and Complaints policy, which has two formal stages which includes the potential to appeal to the various bodies which regulate our work.

- 6.7.7 If the complainant is genuinely giving new and relevant information, then this should be passed to the investigator and the Head of Quality and Performance, who will consider the impact of this information on the investigation and/or response.
- 6.7.8 Sometimes the complaint may need to be reopened, or it is possible that a new complaint may need to be opened. Each case needs to be determined on its own merits.

Vexatious telephone calls

- 6.7.9 A complaint to a Phoenix service does not have to be made in writing and we can take complaints over the telephone for Stage 1. However, if a complainant telephones either to discuss an existing complaint or to make a new complaint, and this is proving time consuming and disruptive, it may be reasonable to ask them to put their concerns in writing and to discontinue the call.
- 6.7.10 If the complainant persists on telephoning, it may be reasonable to tell the complainant that, Phoenix will, for a set period, not accept telephone calls from them and only deal with the complainant in writing. If this is the case, the Head of Quality and Performance or the relevant manager will confirm this in writing to the complainant, including the length of period and reason for this measure. At the end of the period the matter should be reviewed, and the measure lifted if appropriate.

Imposing restrictions

- 6.7.11 All complaints will be investigated following the structure outlined in this policy. If a complaint is deemed to be vexatious steps will be taken to address this issue. The person designated to investigate the complaint will consult with the relevant senior managers and the Quality Department prior to issuing a warning to the complainant.
- 6.7.12 They will then contact the person in writing, explaining why their behaviour is causing concern, asking for this to cease, and explaining the steps Phoenix would take if this behaviour continued.
- 6.7.13 If the disruptive behaviour continues, the manager will issue a letter clearly stating the measures that have been put in place.
- 6.7.14 Restrictions will be appropriate and proportionate to the vexatious behaviour. These will usually apply for between three to six months. In exceptional cases, this can be extended, but will be reviews on a quarterly basis.
- 6.7.15 Restrictions will need to be agreed and tailored based on the individual circumstances of the complainant. It may involve:
- Requiring the complainant from making contact by telephone except through a third party (e.g., solicitor or advocate);
 - Requiring contact to take place with one named staff member only;
 - If face to face contact is to take place, requiring the presence of an appropriate witness;
 - Requiring telephone calls to take place on specified days/ times;

- Informing the complainant that Phoenix will not reply or acknowledge any further contact from them on the topic of the on-going complaint – a designated member of staff will then read future correspondence.
- Informing the complainant that any further complaints from them will only be considered if appropriate Senior Manager agrees it warrants investigation.

6.7.16 When a decision has been made regarding restrictions, a letter from the Executive Team within Phoenix Futures will be sent to the complainant. This will explain the following:

- Reason for this decision
- What the restrictions entail
- Duration of restrictions
- The complainant’s right to contact the Ombudsman about the fact that their complaint has been treated as vexatious

6.7.17 If the complainant’s behaviour is extreme or it threatens the immediate safety and welfare of staff, the matter may be reported to the police and legal action may be taken. If this is the case, the complainant may not be given prior warning of that action.

7 Record keeping

Phoenix will retain adequate records containing details of the case and actions taken. It will also include details on:

- Complainants who are abusive, vexatious, or unreasonably persistent;
- When restrictions start and end;
- What the restrictions are.

8 Serial complaints

8.2 Even if someone has made vexatious complaints in the past, it cannot be assumed that the next one is also vexatious. Each complaint must be considered on their merit, and a decision has to be made as to whether it is a genuine concern.

8.3 Where a complainant makes serial complaints, ideally the same member of staff should consider each complaint. For transparency purposes, Phoenix will respond to complaints in writing.

9 Acceptable exclusions and inclusions

In circumstances in which a complaint will not be considered or escalated, and these circumstances must be fair and reasonable.

- The issue giving rise to the complaint occurred over twelve months ago.
- Legal proceedings have started. This is defined as details of the claim, such as the Claim Form and Particulars of Claim, having been filed at court.

- Phoenix Futures must accept complaints highlighted to them within 12 months of the issue occurring or the complainant becoming aware of the issue unless they are excluded on other grounds.
- Matters that have previously been considered under the complaints policy.
- Phoenix Futures must consider whether to apply discretion to accept complaints made outside this time limit where there are good reasons to do so.
- If Phoenix Futures decides not to accept a complaint, an explanation must be provided to the complainant, setting out the reasons why the matter is not suitable for the complaints process and the right to take that decision to the Ombudsman.
- If the Ombudsman does not agree that the exclusion has been fairly applied, the Ombudsman may tell Phoenix Futures as the landlord if applicable to take on the complaint.
- Phoenix Futures must give complainants the opportunity to have a representative handle their complaint on their behalf, and to be represented or accompanied at any meeting.
- Where a complaint response is handled by a third party (e.g. a contractor or independent adjudicator) at any stage, this must form part of the two stage complaints process set out in this policy. Complainants must not be expected to go through two separate complaints processes.