

Complaints Policy

For the investigation and resolution of complaints about the Jersey Care Commission

Version Control

Version 4.0

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March 2021	Policy reviewed. No changes made. Accompanying leaflet developed.	
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September 2023

1. Introduction and Purpose

The Jersey Care Commission ('the Commission') is the independent regulator of health and social care services in Jersey.

The Commission was established under the provisions of the Regulation of Care (Jersey) Law 2014 ('the Law'). Its role is to regulate, inspect and support the improvement of care services in meeting the needs of people who use and rely upon these services. Its ambition is to ensure that people receive high-quality, safe and person-centred care, where the rights, needs and choices of individuals are at the heart of service delivery.

The services which the Commission regulates include care homes providing nursing and personal care or personal support for people of all ages with a range of health and social care needs, care provided to people in their own homes, adult day care services, residential care services for adults and children and children's social care.

This policy aims to ensure that a clear framework exists for the investigation and resolution of complaints about the Jersey Care Commission ('the Commission') so that:

- complainants and Commission staff know what to expect and can have confidence in the complaints investigation process
- complaints are investigated and resolved properly and fairly, and as quickly as possible; and,
- lessons are learned from the outcomes of complaints investigations

2. Principles

- the complaints process will be easy to access, and a complainant will be supported in making a complaint, if necessary
- all complaints will be taken seriously
- a complainant will be asked to explain what outcome they are looking for
- a complainant will be advised how their complaint will be handled and know when to expect a response
- complaints will be investigated and reviewed by someone who was not previously involved in the actions complained about

- a complainant will be kept informed of progress and will be advised of the outcome of their complaint
- if a complaint is upheld or partially upheld, the complainant will be offered an appropriate remedy, which could include an apology, an explanation, or remedial action
- the Commission will have systems in place to record, analyse, monitor, and report on the outcomes of complaints and the learning from them.

3. Scope

This policy relates to complaints about the actions of the Commission or its staff. It also applies to the actions of Commissioners, including the Chair.

The policy will not cover disputes about registration or the outcomes of inspections, as these will be dealt with under the Commission's policy and procedures for registration, inspection, enforcement and escalation.

3. Who can make a complaint?

Any person affected by the action complained about, or someone acting on their behalf with that person's consent or authority, can make a complaint.

In the case of a child, the Commission will wish to be satisfied that there are reasonable grounds for the complaint being made by a representative of the child and that the representative is making the complaint in the child's best interests.

If a complaint is made on behalf of someone unable to complain, the Commission will wish to be satisfied that the complaint is being made in their best interests.

In the case of a person who has died, the complainant must be their representative, usually their next of kin, or someone else acting with the authority of their next of kin or personal representative.

4. How to make a complaint.

A complaint can be made:

By telephone to: 01534 445801

By email to: enquiries@carecommission.je

By letter to: The Chief Inspector, Jersey Care Commission
1st Floor, Capital House, 8 Church Street, St Helier, Jersey, JE2 3NN

The Commission will make any necessary reasonable adjustments to receive, investigate and respond to a complaint. This includes arranging face to face or telephone meetings. The Commission can access a translation service for people whose first language is not English. A complaint can also be made in an alternative format, such as Braille.

5. Timescales

The Commission will not normally consider a complaint made more than six months after the actions complained about occurred, or came to the complainant's notice, unless there are good reasons for not having made the complaint earlier and it is still possible to investigate the complaint effectively and fairly. The Commission will not investigate historical complaints regarding matters that pre-date the Commission's establishment on 1 January 2019.

All complaints will be acknowledged, in writing, within three working days of receipt. Within five working days, the Commission will contact the complainant to confirm the nature of the complaint, the outcome the complainant is seeking and the anticipated timescale for responding.

6. Complaints process

A senior officer of the Commission will usually investigate any complaint, unless the Commission determines that it is necessary for someone external to undertake the investigation.

Complaints will usually be investigated by the Head of Business and Performance, who is unlikely to have previously been involved in operational issues. Where the Head of Business and Performance has had prior involvement, complaints will be investigated by the Deputy Chief Inspector. If both the Head of Business and Performance and Deputy Chief Inspector have had previous involvement, the case can be allocated to another officer, and where necessary, the Commission may engage the services of an external agency or individual to consider the complaint.

The Commission operates a three-stage complaints process.

Stage 1 - Informal resolution

The Commission believes that, in most cases, an informal process where both parties agree the actions taken to resolve the complaint is likely to achieve a better and faster resolution for the complainant.

The officer dealing with the complaint will attempt to resolve the matter informally and in a timely manner. If an informal resolution is possible, the Commission will contact the complainant within five working days of receiving the complaint to offer either a face-to-face meeting or a telephone conversation with the complainant.

When a complainant agrees to an informal resolution process, they will still receive a written acknowledgement of the complaint and an explanation and details of the Commission's response. Where agreed, this may include an admission of errors and an apology.

A formal investigation will be undertaken if the matter cannot be resolved informally.

Stage 2 - Formal investigation

The complainant will be advised that a formal investigation has been initiated. The Commission will normally investigate a complaint and respond within 25 working days of the start of the formal investigation. Where the matter is complex, or if this timescale will not be possible for any other reason, the Commission will contact the complainant to explain the reasons for the delay and the anticipated timescale.

A formal investigation will consider all relevant information concerning the complaint, including any associated correspondence, minutes, notes or other relevant material. The investigation may need to include separate meetings with the complainant, any staff members involved, and any other witnesses to the actions complained about. There will be an agreed note of any such meetings.

At the end of the formal investigation, a draft report will be prepared, including a summary of the complaint, the outcome sought, the evidence considered, and the conclusions and recommendations. The draft report will give a clear indication as to whether, in the opinion of the investigator, the complaint is upheld, partially upheld or not upheld.

The draft report will be shared with the complainant and any person who was the subject of the complaint, with an invitation to comment on any errors of fact in writing within 15 working days. Any written comments received within 15 working days will be considered, and the draft report will be amended if appropriate.

The draft report will then be presented to the Chief Inspector for approval and sign-off on behalf of the Commission. The Chief Inspector will write to the complainant advising them of the outcome of the formal investigation and enclosing a copy of the report. The Chief Inspector may write to any person who was the subject of a complaint, advising them of the outcome of the formal investigation and enclosing a copy of the report.

Where a complaint is about the actions of the Chief Inspector, or if the Chief Inspector considers that they are otherwise involved in actions or decisions relating to the complaint, the Chief Inspector will ask the Chair of the Board of Commissioners to consider the complaint investigation report and write to the complainant.

If the complainant is dissatisfied with the outcome of a formal investigation, they should write to the Chief Inspector within 15 working days of receipt of the report, stating why they are unhappy with the Commission's investigation and requesting a review.

Stage 3 - Review

If a review is requested, it will be undertaken by someone other than the person who carried out the Stage 2 formal investigation who has no involvement in the complaint. The Commission may, in these circumstances, engage the services of an external agency or individual.

The complainant's request for a review will be acknowledged within three working days of receipt, and they will be advised of the process to be followed and the anticipated timescale for a review.

The Reviewer will consider whether:

- the formal investigation was carried out in accordance with this policy
- the information and evidence considered during the formal investigation was complete, correct, and relevant
- the conclusions reached were based on all the relevant considerations and no irrelevant considerations, and were reasonable
- the overall outcome of the formal investigation, including any recommendations for remedy, was fair, balanced, and proportionate

The Reviewer will prepare a report setting out the review's conclusions. The Commission may appoint independent persons with relevant experience in complaints management and resolution to conduct the review if it is deemed in the particular circumstances of the complaint, that there are no suitable officers available.

The outcomes of the review may include:

- Confirmation of the findings, conclusions and recommendations of the review and no further action
- Identification of any error or omission in the formal investigation which the Reviewer has been able to remedy, together with any revision to the Stage 2 investigation report
- A recommendation for a further investigation and report due to a significant error or omission in the Stage 2 investigation

The complainant will be advised of the Reviewers decision and provided with a copy of the Reviewer's report.

If the review confirms that a further investigation will be undertaken, the complainant will be advised in writing of the name of the person appointed to lead the investigation and of the likely timeframe for the completion of this investigation. Normally this will be concluded within 25 working days. The complainant will be advised of anything which might cause a delay.

7. Remedy

If a complaint is upheld or partially upheld, the Commission will acknowledge responsibility and offer an appropriate remedy, which could include a letter of apology, an explanation or remedial action.

The Commission will take whatever corrective action is necessary and will advise the complainant accordingly.

If a complaint is upheld or partially upheld, and the outcome relates to the actions, attitude or behaviour of an employee, the Commission will consider whether this matter needs to be addressed via the relevant employment code of practice or referred to the appropriate professional regulatory body.

The Commission has a duty of care to its staff to ensure that any action taken under either the employment code of practice or that might impact on the individual's professional registration is dealt with sensitively, in accordance with the relevant policy and procedures and with due regard to the need for confidentiality.

8. Public Services Ombudsperson.

In the event of the establishment of a Public Services Ombudsperson in Jersey the outcome of any complaint investigation about the Commission may be referred by the complainant to that office for further consideration.

Once a Public Services Ombudsperson is established, complainants will be informed of their right to bring the outcome of their complaint investigation to that office if they remain dissatisfied.

In the meantime, should a complainant consider that they have exhausted the Commission's complaints process and remain dissatisfied, they can direct their complaint to the Chief Minister for consideration via the offices of the Chief Officer, Strategic Policy, Planning and Performance.

9. Policy Review

This policy will be reviewed on a two-yearly cycle.

Notes

1. All staff and Commissioners must ensure that they are familiar with this policy.
2. The Chief Inspector will ensure that staff respond to complaints as directed by this policy.
3. Senior officers of the Commission are responsible for conducting complaints investigations or coordinating complaints investigations conducted by others.
4. The Commission will maintain records and monitor complaints to understand their volume, nature and outcomes and ensure learning from them.
5. The Commission will ensure that this policy is used effectively and monitored regularly.
6. When this policy is revised and updated, the Commission will ensure that learning from complaints investigations is fully considered.