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The Importance of a Good Complaints Policy



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Residents should be at the heart of every care provider's business. The importance of listening to their views cannot be underestimated, as every comment or complaint provides an opportunity to improve your service.

It is a [CQC](#) requirement to have a complaints policy in place, but it is important that your complaints policy is clear and accessible, and that you have a proactive, fair and transparent process for dealing with any complaints. CQC considers that an effective system of monitoring and reviewing incidents, concerns and complaints are important, as it gives providers the potential to identify serious concerns such as abuse or safeguarding issues.

You should also consider whether your complaints policy and procedures comply with consumer law. If not, you may be at risk of action by the CMA if, for example, your policies and processes discourage people from raising concerns or complaints.

In November 2018, the Competition and Markets Authority (CMA) published [guidance](#) to assist providers to remain on the right side of consumer law. The CMA guidance makes it clear to care providers that complaints procedures should be easy to find, easy to use and fair. More recently, the [Chartered Trading Standards Institute \(CTSI\)](#) published further guidance aimed at helping care home providers and managers to follow the principles of consumer law. There are currently four booklets, designed to complement the information set out in CMA's comprehensive guidance. The guides are useful tools for care homes and can be found [here](#).

The most recent booklet published by CTSI offers helpful guidance on dealing with complaints, which should be read by providers, managers and care home staff. The guidance should be read in full, but some of the key aspects to take away from the guidance, include:

- People must understand who to complain to and how the complaint will progress;
- People must understand how they can escalate a complaint;
- All staff should have effective training on handling complaints. This is particularly important as staff deal with residents and their families on a day-to-day basis;

- Once a concern has been investigated, the outcome should be shared and used as a basis for learning and improving the service.

Helpfully, the guide includes a tool, which staff can use to record their knowledge. This can then be used to identify further areas of training required. The guide also includes a flowchart which can be used to inform people about the different types of concerns and which organisations would need to be contacted. It is recommended that this be provided to staff to inform their knowledge and understanding of dealing with complaints.

The CMA has indicated an intention to check compliance with consumer law across the care sector, and providers should be reviewing their contracts, policies and procedures to ensure they are compliant and effective. Indeed, CMA is currently taking action against large providers for breaches of consumer law and this emphasises the importance of compliance.

CQC is trying to improve the public's understanding of its role and as part of this development, it has changed the way people can provide feedback through its online platform. In reality, if people have a better understanding of CQC's involvement and better access to providing feedback, they are more likely to give feedback. Unfortunately, people only tend to offer feedback when it is negative. If CQC receives poor feedback from residents and their families about a particular service, this could potentially lead to the next inspection taking place sooner rather than later.

Regardless of the legal risks, there are clear advantages to having an effective complaints policy in your home. If residents, their families and your staff team feel comfortable raising issues, these can be addressed before they become more serious. This culture of openness and transparency is encouraged as it leads to opportunities to learn from mistakes, rather than hiding errors or blaming others.

If you have any questions arising or wish to obtain advice in relation to the matters in this article, please contact our experienced [healthcare solicitors](#) in our [Bournemouth](#) and [Southampton](#) offices. Call us on 01202786161 or email online.enquiries@la-law.com.