

AHVILLE SURGERY: COMPLAINTS PROCEDURE

JUNE 2020

Reviewed JUNE 2020 Next review JUNE 2021

INTRODUCTION

This procedure sets out The Practice's approach to the handling of complaints and is intended as an internal guide which should be made readily available to all staff.

POLICY

The Practice will take reasonable steps to ensure that patients are aware of:

- The complaints procedure.
- The role of NHS England and other bodies in relation to complaints about services under the contract. This includes the ability of the patient to complain directly to the NHS England as an alternative to making a complaint to The practice, and to escalate to the Ombudsman where dissatisfied with the outcome.
- Their right to assistance with any complaint from independent advocacy services.

The principal method of achieving this is the Complaints Patient Information Leaflet and Ashville Surgery website.

The Complaints Manager for the Practice is Magnus Nelson, Practice Manager.
(In his absence: Jan Dobson).

PROCEDURE

Receipt of complaints

The Practice may receive a complaint made by, or on behalf of a patient,) or former patient (with his/her consent) who is receiving or has received treatment at The Practice.

Complaining on behalf of someone else

Medical records are protected by the Data Protection Act 1998 and GDPR 2016.

If someone complains on behalf of someone else, we need to know that they have their permission to do so. A note signed by the person concerned is required unless they are incapable (i.e. due to illness) of providing this.

Or:

(a)Where the patient is a child:

- By either parent, or in the absence of both parents, the guardian or other adult who has care of the child.

- By a person duly authorised by a local authority to whose care the child has been committed under the provisions of the Children Act 1989.
- By a person duly authorised by a voluntary organisation accommodating the child.

(b) by a relative or other adult who has an interest in his/her welfare, where the patient is incapable of making a complaint,

All complaints, written and verbal will be recorded, and written complaints will be acknowledged in writing within 5 working days of receipt.

Patients are encouraged to complain in writing where possible. However, a patient can make a complaint by phone or face to face. The response to the patient should be made within 10 working days, or should the matter require a longer investigation, the patient should be provided with an update and an estimated timescale.

Period within which complaints can be made

The period for making a complaint is normally:

- (a) 12 months from the date the event, which is the subject of the complaint, occurred; or
- (b) 12 months from the date the event, which is the subject of the complaint, comes to the complainant's notice.

Complaints should normally be resolved within 6 months.

The Practice standard is 10 days for a response but some complaints may take longer to investigate and resolve, in which case the complainant will be informed of a revised timescale.

The Complaints Manager or lead GP has the discretion to extend the time limits if the complainant has good reason for not making the complaint sooner, or where it is still possible to properly investigate the complaint despite extended delay.

Action upon receipt of a complaint

Complaints may be received either verbally or in writing and must be forwarded to the Complaints Manager (or the Deputy Practice Manager if the Complaints Manager is unavailable), who must:

- Acknowledge in writing within the period of 3 working days from the day on which the complaint was made or, where that is not possible, as soon as reasonably practicable.
- Include an offer to discuss the matter in person. The discussion will include agreement with the patient as to how they wish the complaint to be handled.
- Advise the patient of potential timescales and the next steps.
- Where the complaint is made verbally, a written record will be taken and a copy will be provided to the complainant.
- Ensure the complaint is properly investigated.

- Where the complaint involves more than one organisation, the Complaints Manager will liaise with his/ her counterpart to agree responsibilities and ensure that one coordinated response is sent.
- Where the complaint has been sent to the incorrect organisation, advise the patient within 3 working days and ask them if they want it to be forwarded on. If it is sent on, advise the patient of the full contact details.
- Provide a written response to the patient as soon as reasonably practical ensuring that the patient is kept up to date with progress as appropriate.
- Where a response is not possible within 10 working days, provide an update report to the patient with an estimate of the timescale.
- The final reply will include a full report and a statement advising them of their right to take the matter to the Ombudsman if required.

Unreasonable Complaints

Where a complainant becomes aggressive or, despite effective complaint handling, unreasonable in their promotion of the complaint, some or all of the following formal provisions will apply and will be communicated to the patient:

- The complaint will be managed by one named individual at senior level who will be the only contact for the patient.
- Contact will be limited to one method only (e.g. in writing).
- A time limit will be placed on each contact.
- The number of contacts in a time period will be restricted.
- A witness will be present for all contacts.
- Repeated complaints about the same issue will be refused.
- Correspondence regarding a closed matter, may be acknowledged but will not be actioned.
- Behaviour standards will be set.
- Irrelevant documentation will be returned.
- Detailed records will be filed.

Final Response

This will include:

- A clear statement of the issues, investigations and the findings, giving clear evidence-based reasons for decisions where appropriate
- Where errors have occurred, these will be fully addressed with an explanation as to what measures will be put in place to rectify, or prevent repetition.
- Focussing on fair and proportionate outcomes for the patient, including any remedial action or compensation.
- Provision of a clear statement that the response is the final one, or that further action or reports will be sent later.
- An apology or explanation as appropriate.
- Acknowledgment of the right to escalate the complaint, together with the relevant contact details.

Annual Review of Complaints

The practice will establish an annual complaints report, incorporating a review of complaints received, along with any learning issues or changes to procedures which have arisen.

This report is to be made available to any person who requests it, and may form part of the Freedom of Information Act Publication Scheme ^[*].

This will include:

- Statistics on the number of complaints received.
- Justified/unjustified analysis.
- Known referrals to the Ombudsman.
- Subject matter/categorisation/clinical care
- Learning points
- Methods of complaints management.
- Any changes to procedure, policies or care which have resulted from a complaint or feedback

Confidentiality

All complaints must be treated in the strictest confidence

Where the investigation of the complaint requires consideration of the patient's medical records, the Complaints Manager must inform the patient or person acting on his/her behalf, if the investigation will involve disclosure of information contained in those records to a person other than The Practice or an employee of The Practice.

The practice must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from patients' medical records.

If a Patient wishes to take their complaint further they can contact: .

NHS England

PO Box 16738

Redditch B97 9PT

Tel: 0300 311 22 33

Email: England.contactus@nhs.net

<https://www.england.nhs.uk/contact-us/complaint/complaining-to-nhse/>

The **NHS Complaints Advocacy Service** is a free independent service that guides patients through the complaints procedure.

Helpline number: 0300 330 5454.

Textphone number: 07860 022939

Health Service Ombudsman: 0345 0154 033.

Website: www.ombudsman.org.uk