**COMPLAINTS PROCEDURE**

**INTRODUCTION**

This procedure sets out the Practice approach to the handling of complaints and is intended as an internal guide for all staff. On 1 April 2009 new regulations came into effect, introducing a common approach to the handling of complaints across health and adult social care. The practice procedure complies with the new regulations.

# POLICY

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

* the complaints procedure
* the role of NHS England and other organisations in relation to complaints about services.
* the ability to complain directly to NHS England and to escalate to the Ombudsman
* their right to assistance with any complaint from independent advocacy services

This information is available in the Complaints Procedure Information Leaflet for patients.

The role of Complaints Manager at Swineshead Medical Group is carried out by the Practice Manager, Mr David Harding

The lead GP Partner for complaints handling is Dr Craig Kelly.

**PROCEDURE**

**Receiving of complaints**

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

* 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 by which the child is being accommodated
* where the patient is incapable of making a complaint, by a relative or other adult who has an interest in his/her welfare.

All complaints, written and verbal will be recorded, and written complaints will be acknowledged in writing within 3 working days of receipt. Patients will be encouraged to complain in writing where possible.

If a patient has difficulty making a complaint in writing the practice should make arrangements for the complaints process to be explained in person and for details of the complaint to be taken in writing by the Complaints Manager or her deputy.

# Period within which complaints can be made

The period for making a complaint is normally:
(a) 12 months from the date on which the event which is the subject of the complaint occurred; or

(b) 12 months from the date on which 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 will be 10 days for a response, unless circumstance prevents this. The complainant will be kept aware of any delays.

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.

When considering an extension to the time limit it is important that the Complaints Manager or the GP takes into consideration that the passage of time may prevent an accurate recollection of events by the clinician concerned or by the person bringing the complaint. The collection of evidence, Clinical Guidelines or other resources relating to the time when the complaint event arose may also be difficult to establish or obtain. These factors may be considered as suitable reason for declining a time limit extension.

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 lead GP if the Complaints Manager is unavailable), who must:

* acknowledge in writing within the period of 3 working days beginning with the day on which the complaint was made or, where that is not possible, as soon as reasonably practicable.
* Invite the complainant 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 practicable ensuring that the patient is kept up to date with progress as appropriate. This 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 pursuit 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 will be acknowledged only
* Detailed records will be kept
* Acceptable standards of behaviour will be agreed

**Final Response**

The final written response to the complainant will include:

* A clear statement of the issues, investigations and the findings, giving clear evidence-based reasons for decisions if appropriate
* Where errors have occurred, explain these fully and state what will be done to put these right, or prevent repetition
* A focus on fair and proportionate outcomes for the patient, including any remedial action or compensation
* 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
* A statement of the right to escalate the complaint, together with the relevant contact detail

**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 been implemented as a result of complaints received

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.

**Getting help with a complaint**:

Patients who do not wish to complain directly to the practice you can make their complaint by contacting NHS England:

**NHS England**

**PO Box 16738**

**Redditch B97 9PT**

**Telephone: 0300 311 2233**

**E-mail**: **England.contactus@nhs.net**

If you are not satisfied with the practice response to your complaint, you have the right to approach the Ombudsman. The contact details are:

**The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP Tel: 0345 0154033**

**Website:** [**www.ombudsman.org.uk**](http://www.ombudsman.org.uk)

If you would like support with making your complaint, you may wish to contact POhWER who provide the NHS Complaints Advocacy Service in Lincolnshire.  The service is free, confidential and independent of the NHS.

POhWER can be contacted on 0300 200 0084 or by email [pohwer@pohwer.net](https://mail.xlincs.nhs.uk/owa/redir.aspx?C=Xu5bByJ4YkajRr3c0eZqN0w4j5ghUNBI1lvBcwRJvzKNsf5ftAf-pYiiXeWNLnYbs5J9LrJ5Mg0.&URL=mailto%3apohwer%40pohwer.net)

You may also approach PALS for help or advice at any time;

The Patient Advice and Liaison Service (PALS) provides confidential, practical advice and support, helping you to sort out any concerns you may have about the care you receive from the NHS.

Tel: 0845 602 4384

Email: info@lincspals.nhs.uk

Website : www.lincspals.nhs.uk

**RESOURCES:**

*Listening, Responding, Improving – a guide to better customer care*

*Department of Health, 2009*

*Principles of Good Complaints Handling*

*Parliamentary & Health Service Ombudsman, 2009*

*Lincolnshire LMC Advice Sheet, April 2009*

*MDUs guide to the NHS Complaints Procedure, 2009*