

POL Complaints Policy

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Complaints Definition

A complaint is an expression of dissatisfaction requiring a response communicated verbally electronically or in writing. Complaints may be made from any of our service users.

Concerns and enquiries

A concern or an enquiry is a problem raised that can be resolved or responded to straight away or within 24 hours.

Aims of the policy

The aims of the policy is to ensure that the complaints process is flexible and responsive to the individual complainants, in addition it emphasises the need to communicate effectively with complainants and involve them in decisions concerning the handling of their complaint.

The policy seeks to ensure that:

- Users who complain are treated with courtesy and empathy.
- Users who are dissatisfied with the service provided are able to raise their concerns and have them thoroughly investigated.
- Complaints are investigated thoroughly, honestly and openly.
- Complainants are kept informed about the progress and outcome of their investigation.
- Apologies are given as appropriate.
- Action to identify the cause of the complaint is identified implemented and evaluated.
- Learning from complaints informs service development and improvement.
- Complaints handling complies with confidentiality and data protection policies and is transparent.
- Staff involved in complaints are given support.
- All staff must be familiar with the complaints handling process.
- A prompt resolution must be reached as soon as possible.

Confidentiality

Maintaining confidentiality is essential and security of data relating to individuals must be protected in accordance with the Data Protection Act (1998). No confidential information relating to complaints will be discussed.

The complaint process

All staff are responsible are responsible for working to resolve concerns raised by users. Where the complainant is reporting a poor experience it is appropriate for the person receiving the complaint to apologise on behalf of E-Zec. Apologies do not constitute an admission of liability.

Staff must:

- Ensure that they listened to the concern and where needed ask for clarification.

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- Reassure the complainant that their feedback is welcome as a means to enable service improvement.
- Respond to any issues raised immediately themselves or refer them to someone who can.
- Ensure that they are polite and courteous at all times.
- Where the complaint is outside of their remit to refer it to the appropriate line manager for further investigation.
- Complaints must be registered on the first day that they are received.
- If the complaint is resolved immediately it will need to be logged and resolved simultaneously.
- If it is not able to be resolved immediately it should be logged and the complainant contacted in writing to acknowledge the complaint.
- It is expected that all complaints will be resolved within 20 days.
- Where a complaint is not resolved within this timescale or it needs a more in depth investigation this must be flagged and the complainant informed of the progress.

Logging process

All complaints must be logged onto the complaints system and dates entered in order to manage the response process.

Timeframes

An acknowledgement of the complaint must be sent either written or communicated verbally within 36 hours of the receipt of the complaint. A final written response should be sent within 25 days or a satisfactory verbal explanation must be communicated within 25 days. The complaint must be closed within the 25 day deadline. (See monitoring page 7)

Where a complaint remains open for longer this must be agreed by the Governance manager and documented permission with reasons as to why must be recorded.

Preparing a response

- A response must contain a summary of the investigation findings and any measures to resolve the problems identified.
- It must contain an apology.
- The response must include contact details for any further issues as a result of the response.
- A response must be sent as soon as practicable and within timeframes.
- A record of the communication must be saved and logged.
- Where the response is deemed as unsatisfactory this must be escalated to the appropriate manager for further action and resolution. Where necessary involve external bodies and any partnership organisations.
- Following this, if the complainant remains dissatisfied with the response and where all other resolution has failed, they should be advised to contact the parliamentary and health service ombudsman. This is the final point of contact.

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Unacceptable behaviour

Terminal Building
Redhill Aerodrome
Kings Mill Lane
Redhill
Surrey
RH1 5YP

The actions of complainants who are angry demanding or persistent may result in unacceptable behaviour towards staff and must be investigated. Staff are not expected to tolerate abusive or threatening behaviour, but all complaints must be given equal consideration and must be investigated.

It is essential that all staff are aware of the complaints policy and that all complaints are logged effectively.

Serious Complaints

If an allegation or suspicion of any of the areas below is received regarding E-Zec Medical functions it should immediately be reported to the Head Clinical Governance or their representative and investigated as a formal complaint or referred to the appropriate agency e.g. Police if a possible criminal offence has been committed or Regulatory bodies:

- Physical abuse
- Sexual abuse
- Financial misconduct
- Criminal offence
- Safeguarding

Consent/Confidentiality

Any information disclosed to a third party concerning a patient in the investigation of the complaint is confined to that which is relevant. Where possible, such information will only be provided with the knowledge and consent of the patient.

In this regard:

- Complainants / Patients will be advised at the outset that investigation of a complaint may require examination of medical records and associated documents by those investigating
- a signed agreement to the disclosure of clinical information relevant to the complaint may be required from the patient.

Breaching Confidentiality

The following are circumstances when confidentiality can be breached even if prior consent had not been obtained or is refused:

- When the complainant / patient reveals any matter that may constitute a criminal offence
- Where there is a clear indication that a serious crime has been, or is about to be committed
- Someone's safety or life is believed to be at risk
- Information is requested by HM Coroner, a court or tribunal
- There are reasonable grounds to suspect abuse of a child or a vulnerable adult

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All staff will be expected to have a working knowledge of the Complaints Procedure and will be familiarised with this policy as part of their induction and essential annual training. It should be made clear to staff that all material relating to a complaint will be made available to all personnel involved in investigating the complaint.

It is the responsibility of all line managers to ensure that the lessons learned from complaints are used as part of the continuing professional development for all staff. There should additionally be training available to staff who respond to complaints to undertake investigator’s training/complaints handling so as to be able to provide the standard of investigation and investigation report required for complaint responses.

Independent NHS Complaints Advocacy Service

Should the complainant require any assistance in raising a complaint, there are several Advocacy Services covering the areas the E-Zec Medical provide a service who will be able to assist them Their service is free, independent and confidential. The complainant should contact the appropriate service for their area.

These might be:

- POhWER
- Onside Advocacy
- VoiceAbility
- Healthwatch

Others are available.

Ombudsman service

If the complainant is not happy with our response to their complaint, they have a right to contact the Health Service Ombudsman to ask for an investigation of their complaint. E-Zec Medical will advise the complainant of their rights and abide by the ombudsman’s six principles

The Ombudsman’s six Principles are:

1. Getting it right
2. Being customer focused
3. Being open and accountable
4. Acting fairly and proportionately
5. Putting things right
6. Seeking continuous improvement.

Parliamentary and Health Service Ombudsman

If, after our best efforts, the complainant is not completely satisfied with our response:

Contact details of the Ombudsman write to:

The Parliamentary and Health Service Ombudsman

Millbank Tower

Millbank

London

SW1P 4QP Telephone: 0345 015 4033

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Root Cause Analysis Panel (RCA)

E-Zec Medical has a RCA Panel its representation is from the following directorates:

- Head of Clinical Governance
- Human Resources
- Clinical Training
- Operational Management

The role of the RCA panel is to review the complaints investigation and provide a report to the board detailing the panel's actions and recommendations.

Monitoring

Compliance and Effectiveness Monitoring Table

Monitoring Criterion	Procedures for handling complaints, concerns, compliments and comments via: Number of complaints year to date from 1st April Number of current outstanding complaints requiring a response still within timescales Number of complaints acknowledged within policy 36 hours Number of complaints responded to within policy 25 days Number of complaints responded to out with policy 25 days with agreed extensions Number of complaints with 2 or more extensions Number of complaints outstanding without agreed extensions Number of complaints outstanding over 25 days per service line (as above) Number of appreciations year to date from 1st April
Who will perform the monitoring?	Complaints Team and Operational areas
What are you monitoring?	Complaints performance, trends and themes
When will the monitoring be performed?	Weekly
How are you going to monitor?	Via E-Zec Complaints Data-base and reports
What will happen if any shortfalls are identified?	Complaints will communicate this to the relevant business areas, Managers and Quality Committee and identify on Risk registers
Where will the results of the monitoring be reported?	Weekly to the service areas , monthly to the Board,
How will the resulting action plan be progressed	The action plan will be monitored by the complaints team and progressed via the service areas and Quality Committee

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and monitored?	
How will learning take place?	Learning will be via the action plans and monitored by the complaints managers, Executive team and quality Committee

Key Performance Indicators (KPI)

Compliance with this policy will be monitored by the Clinical Governance Team and will report regularly through the Quality and the Board. All reports will be submitted by the complaint manager.

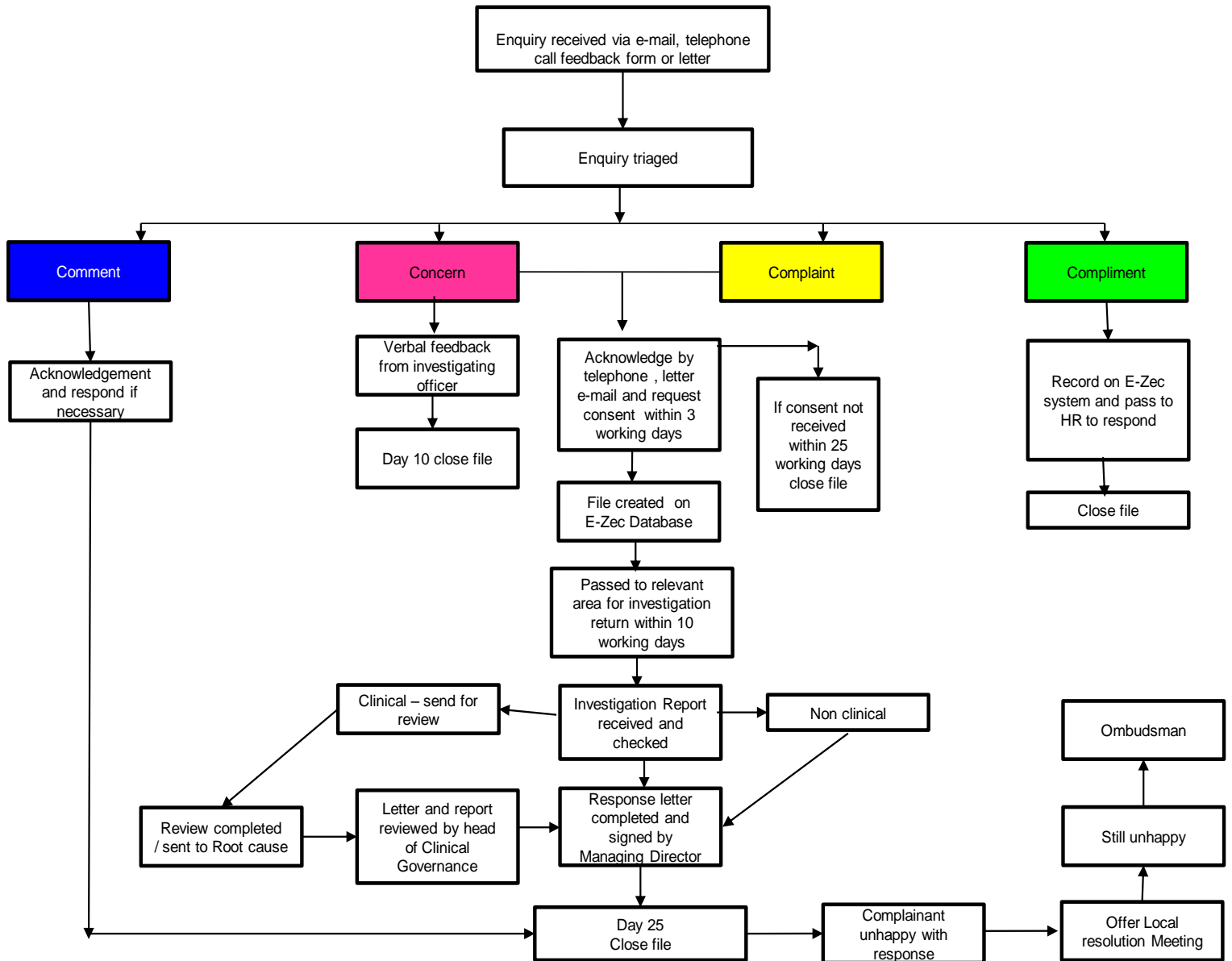
References

This document refers to the following guidance, including national and international standards:

- Hard Truths – The Journey to Putting Patients First (October 2013) Clywd report 2013
- The Local Authority Social Services and National Health Service Complaints (England)
- Freedom of Information Act 2000

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Appendix: Flow Chart (Click on chart to enlarge)



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