

# **Swan Medical Group – Feedback and complaints** **Procedure**

## **Introduction**

This procedure sets out the Swan Medical Group's approach to the handling of feedback and complaints and is intended both as an internal guide that should be made readily available to all staff, and also as a summary setting out the approach to complaint handling that should be available at reception for any patient requesting a copy.

Complaints shall be managed by Operations Managers, at Practice level across Swan Medical Group.

From 1<sup>st</sup> April 2009 a common approach to the handling of complaints was introduced across health and adult social care. This procedure complies with this.

## **Policy**

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

- The complaints procedure.
- The time limit for resolution.
- How it will be dealt with.
- Who will deal with it?
- Who the Operations Manager is
- Their right of appeal
- Further action they can take if not satisfied.
- The fact that any issues will not affect any ongoing treatment from the surgery and they will continue to be treated.

## **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:

(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 by which the child is being accommodated

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

### **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.

If the complaint can be resolved within 24 hours to the satisfaction of all parties, it need not be escalated further. In the event of escalation, the complainant will be asked to complete a Complaint Form. The Practice should acknowledge receipt of the complaint within three working days, offering a meeting to set a timeframe and a plan. Complaints should normally be resolved within a timeframe agreed between the Practice and the complainant. Should this timeframe be exceeded, the Practice shall notify the complainant of progress every 10 working days in excess of the deadline.

The Operations 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. For example, longer periods of complaint timescales may apply to specific clinical areas.

When considering an extension to the time limit it is important that the Operations 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.

### **Vexatious Complaints**

If the complaint is deemed vexatious, it is at the Operations Manager's discretion as to whether it is addressed or dismissed as such.

### **Complaints handling**

- While the Operations Manager will be responsible for administering the complaints system, any member of the team may find he or she is the first point of contact for someone who wishes to complain. **All members of staff should therefore be familiar with this policy and the content of the patient information leaflet.**
- Dealing with people who are distressed or angry is not easy — first contact in these situations is very important. Points to remember are:
  - help the person feel relaxed. It is important that he or she realizes that the complaint will be dealt with professionally and sympathetically.
  - explain that the procedure we have set up is for patients' benefit and that we regard responding to complaints as part of good management.
  - offer a private place in which to talk about the problem.
  - if the person is upset, angry or nervous, be calm yourself. Do not be antagonistic — try to empathize.
  - listen carefully in order to establish the facts:
  - suggest that he or she sees the Operations Manager at the practice and arrange an appointment for this yourself. Alternatively, you could suggest that the Operations Manager will telephone him/her to discuss the problem, if he or she would prefer.
  - **always give the person a copy of the patient information leaflet and a complaint form.**
  - complete a problem report form in as much detail as possible of what the patient says and your response, if not during the meeting, immediately afterwards;
  - do not offer any explanation at this stage, as the matter has yet to be investigated.
  - After the initial contact with the person complaining, you must pass on the details of the complaint to the Operations Manager without delay. We have to send a written acknowledgement within three working days. Do not investigate the complaint any

further yourself. The Operations Manager will then make contact with the person complaining, to agree a timeframe for resolution and to reach agreement with the complainant on how they wish the complaint to be handled. These matters will form part of the acknowledgement letter. All complainants must also be provided with assistance to make a complaint, you do this by giving the person a copy of the patient information leaflet and explaining it if necessary.

## **Action upon receipt of a complaint**

Complaints may be received verbally or in writing and must be forwarded to the Operations Manager (or his/her stand-in if the Operations Manager is unavailable), who will follow the below guide:

- It is always better to try and deal with the complaint at the earliest opportunity and often it can be concluded at that point.
- If dealt with within 24 hours to the satisfaction of all parties, the claim does not have to be escalated.
- If it is not possible or the outcome is not satisfactory the patient should be asked to put it in writing. This ensures that each side are well aware of the issues for resolution. If the patient is unable/unwilling to put it in writing then it is the surgery shall put it in writing and check that the patient is happy with the detail of the complaint.
- On receipt of a written complaint an acknowledgement should be sent confirming receipt within 3 working days or where that is not possible, as soon as reasonably practicable and agree a timeframe for resolution and to reach agreement with the complainant on how they wish the complaint to be handled. It should also say who is dealing with it i.e. GP or Operations Manager.
- A full investigation should take place with written notes and a log of the progress being made.
- If it is not possible to conclude the investigation with-in the timeframe agreed then the patient should be updated with progress and possible time scales. A further update will be sent every 10 working days after the target date by a method of communication agreed with the complainant.
- It may be that outside sources will need to be contacted and if that is the case then a patient consent form will need to be signed to make such a request.
- If local resolution fails the complainant will now have direct recourse to the Parliamentary and Health Service Ombudsman.

## **Final Response**

This 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 the 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 send later
- An apology or explanation as appropriate
- A statement of the right to escalate the complaint, together with the relevant contact detail
- It should also advise on the next step in the process if the complainant is still not satisfied. That would normally be an offer of a meeting with the Lead GP and Operations Manager to try further reconciliation.
- After that the patient can contact the local PALS (Patient Advisory Liaison Service) who would arbitrate between both sides to seek a mutual agreement. This often takes time but can be very helpful having a third person review
- If at that point resolution is still not achieved then either side can refer the matter to the Health Commissioner.

## **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)
- Place a time limit 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
- Only acknowledge correspondence regarding a closed matter, not respond to it
- Set behaviour standards
- Return irrelevant documentation
- Keep detailed records

## **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 <sup>[\*]</sup>.

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

## **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 Operations 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.

## **Role of NHS Commissioning Board & the Parliamentary Health Service Ombudsman (PHSO)**

- a. NHS Commissioning Board: From 1 April 2013 the NHS Commissioning Board will assume the lead for complaints about commissioning issues. The NHS Commissioning Board have set up a Comments and Complaints helpline and members of the public can channel their complaints directly to them either by telephone, email or letter rather than going through their GP Practice first, if they wish. The Complaints Officer can provide advice/information to patients wishing to complain about a practice and will support patients through the process.

Postal address:

NHS England  
PO Box 16738  
Redditch  
B97 9PT

Tel: 0300 311 2233

Email: [england.contactus@nhs.net](mailto:england.contactus@nhs.net)

- b. In addition the CCG commissions' services too and therefore have a complaints handling system. We should refer any complaints that are clearly commissioning issues (like NHS 111 and the OOH GP service) to the Quality Team:

Complaints and Concerns  
South Eastern Hampshire CCG  
CommCen Building  
Fort Southwick  
James Callaghan Drive  
Fareham  
Hampshire  
PO17 6AR

Tel: 023 9228 2081 (9am-5pm, Monday to Friday)

Email: [sehccg.complaints@nhs.net](mailto:sehccg.complaints@nhs.net)

- c. Parliamentary Health Service Ombudsman (PHSO). If local resolution (this at Practice or NHSCB level) cannot be achieved the PHSO has let it be known they expect this to be the minority of cases. PHSO will report independent reviews to the Department of Health and will publish identifiable examples of poor handling of complaints.

Parliamentary Health Service Ombudsman  
Millbank Tower  
Millbank  
LONDON SW1P 4QP

Complaints Helpline- Tel: 0345 015 4033

Website: <https://ombudsman.achieveservice.com/>

## **Complaints to NHS England**

If a complainant has concerns relating to a directly commissioned service by NHS England, then the first step is, where appropriate, for complaints and concerns to be resolved on the spot with their local service provider. This is called by NHS England 'informal complaint resolution' and is in line with the recommendations of the Complaints Regulations of 2009.

If it is not appropriate to raise a concern informally or where informal resolution fails to achieve a satisfactory outcome, the complainant has the right to raise a formal complaint with either the service provider or the commissioner of the service NHS England. A complaint or concern can be received by mail, electronically or by telephone.

By telephone: 0300 311 2233

By email: [england.contactus@nhs.net](mailto:england.contactus@nhs.net)

By post: NHS England, PO Box 16738, Redditch, B97 9PT

All complaints to NHS England will be acknowledged no later than 3 working days after it has been received by telephone, email or letter, to consider how to progress the complaint;

- Complainant's expectations and desired outcomes
- Agreed timescales to respond to complaint
- Explain the complainants' rights as they are defined in the NHS Constitution
- Complaint Action Plan
- Whether and independent advocacy service is available in the complainant's' area
- Consent for NHS England to handle the complaint if it requires input or investigation from organisations or parties that are not part of NHS England

The complainant will be kept up to date with the progress of their complaint by NHS England staff members, in their preferred method of communication (e.g. by email, telephone or written letter). If the complainant is not satisfied with the outcome, then they will have the right to progress this further based on the complaints procedure that NHS England will provide to them during this process.

As part of the guidance on protecting data and personal information, if the complaint involves several organisations then the complainant will be asked for their permission to share or forward a complaint to another body, and further consent will be required to forward the complaint to any provider.

## **Complaints to Professional Bodies**

The complainant may complain directly to the General Medical Council (GMC), in the case of GPs or the Nurse and Midwifery Council (NMC) in the case of Nurses and Midwives. Their detailed procedures can be accessed below:

### **General Medical Council**

Detailed guidance and the option to complete an online form can be found here;  
<https://www.gmc-uk.org/concerns/>

GMC - Getting Help Making a Complaint;

[https://www.gmc-uk.org/Getting\\_help\\_with\\_making\\_a\\_complaint\\_England.pdf\\_57841897.pdf](https://www.gmc-uk.org/Getting_help_with_making_a_complaint_England.pdf_57841897.pdf)

### **Nursing and Midwifery Council**

Detailed guidance and the option to download or complete online complaint forms can be found here;  
<https://www.nmc.org.uk/contact-us/complaints-about-us/>

## **Resources**

- Complaints Form Swan Medical Group
- Complaints Patient leaflet (Patient information) Liphook and Swan versions
- Complaints flow chart

How to make a complaint about an NHS service;

<http://www.nhs.uk/chq/pages/1084.aspx?categoryid=68>

## **NHS England**

How to Complain;

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

NHS England Complaints policy;

<https://www.england.nhs.uk/wp-content/uploads/2016/07/nhse-complaints-policy-june-2017.pdf>

NHS England Complaints Guidance;

<https://www.gov.uk/government/publications/the-nhs-constitution-for-england/how-do-i-give-feedback-or-make-a-complaint-about-an-nhs-service>

**N.B.** if you experience problems with these links, try copying and pasting them into the address window of your internet browser