



Complaint Policy

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1 Introduction

This Policy exists to ensure that all our patients (or their representatives), who have cause to complain about their care or treatment, can have freely available access to the process, and can expect a truthful, thorough and complete response, and apology, where appropriate.

The process adopted by Hampton Medical Centre is fully compliant with the NHS Regulations (2009), and the Care Quality Commission.

Everyone in the Practice is aware of the process, and is expected to remember that everything they do and say, may present a poor impression of the Practice and may prompt a complaint, or even legal action.

2 Purpose and Scope

The general principle of the Practice in respect of all complaints, will be to regard it, first and foremost, as a learning process. However, in appropriate cases, and after full and proper investigation, the issue may form the basis of a separate disciplinary action. In the case of any complaint with implications for professional negligence or legal action, the appropriate defence organisation must be informed immediately.

3 Responsibilities, Accountabilities and Duties

Business Partners

The practice partners have ultimate responsibility and 'ownership' for the implementation of the Complaint policy within the practice.

This is provided by:

- Demonstrating strong and active leadership from the top and ensuring there is visible, active commitment from the staff.
- Ensuring there are effective 'downward' and 'upward' communication channels embedded within management structures.
- Ensuring adequate resources are made available so that the requirements of this policy and good sickness absence practices can be fulfilled.

Business Manager

The practice business manager has specific accountability to ensure that responsibilities for complaint policy are effectively assigned, accepted and managed at all levels in the practice and consistent with good practice. In practice the business manager may discharge these responsibilities by delegation to other practice managers and then through any remaining line management structure.

Employees

All employees have a delegated responsibility, which includes, but is not limited to:

- Taking reasonable care for themselves and others they may come into contact with.
- To present the practice in a good light.
- Not to place another colleague into the path of harm.
- To adhere to the complaint policy.

4 Complaint Information

Hampton Medical Centre will ensure that there are notices advising on the complaints process conspicuously displayed in all reception areas. The Practice website will detail the complaint process and provide access to the electronic complaint form. Paper complaint forms will also be available via reception for those without IT access. A leaflet will be available at reception detailing complaints for those patients with learning difficulties.

5 Who can make a complaint?

Ideally a complaint will be made by the patient but in some cases a partner may make the complaint on their behalf.

A Representative may also submit a complaint:

- Either parent or, in the absence of both parents, a guardian, or other adult who has care of the child, a person duly authorised by a local authority in to whose care the child has been committed under the provisions of the Children Act 1989, or a person duly authorised by a voluntary organisation by which the child is being accommodated.
- Someone acting on behalf of a patient/former patient who lacks capacity under the Mental Capacity Act 2005 (i.e. who has Power of Attorney etc.), or physical capacity to make a complaint and they are acting in the interests of their welfare
- Someone acting for the relatives of a deceased patient/former patient.

Hampton Medical Centre will consider whether they are acting in the best interests of the patient, and, in the case of a child, whether there are reasonable grounds for the child not making the complaint on their own behalf. In the event a complaint from a representative is not accepted, the grounds upon which this decision was based must be advised to them in writing.

In all cases where a representative makes a complaint, in the absence of patient consent, Hampton Medical Centre will request the completion of `allowing other to speak on your behalf` form to be completed and returned.

6 Complaint Handling process

Verbal Complaints

All Reception staff are responsible for dealing with front line verbal complaints i.e. those complaints made by patients at the reception desk or on the phone.

It is good practice to try and resolve a complaint straight away, rather than let it turn in to a formal written complaint, as most complaints can easily be resolved.

If a member of the reception staff needs support, their first points of contact for escalating the complaint to the assistant practice manager. If the assistant practice manager are not available, or if the complaint needs escalating further, the second point of contact is the practice Business Manager.

All verbal complaints must be recorded onto the verbal complaint sheet, kept behind the assistant practice manager desk.

Reception staff should be aware that patients will generally always ask to speak to the Practice Manager. Please explain to them that we have a process for dealing with complaints and follow the escalation process above.

Written complaints

The assistant practice manager is the lead for receiving and acknowledging written complaints. In their absence, the healthcare support staff will acknowledge the complaint.

Written complaints, including those sent in by email, must be acknowledged to the patient within 3 working days of receipt.

Complaints will be entered onto `Teamnet`, using the patients initials, month and year as the reference.

The assistant practice manager will deal with all complaints coming into the practice. They will refer clinical, prescription and medication complaints to the appropriate clinician(s) for investigation and then draft a response and then forward to Dr Khan for clinical input and approval before being sent to the complainant.

All complaint responses will detail the contact details of the Paramilitary Health Service Ombudsman, should the patient wish to complain for unresolved complaints. However, Hampton Medical Centre will attempt to resolve all complaints locally wherever possible.

7 The investigation

The assistant practice manager will deal with all complaints coming into the practice. They will refer clinical, prescription and medication complaints to the appropriate clinician(s) for investigation and then draft a response and then forward to Dr Khan for clinical input and approval before being sent to the complainant.

The Practice will ensure that the complaint is investigated in a manner that is appropriate to resolve it, speedily and effectively, and proportionate to the degree of seriousness that is involved. All staff named in a complaint should be made aware of the complaint, and given the opportunity to respond whether they are clinical or administrative staff. The clinician/staff member involved will be given an opportunity to review any records the Practice holds with regards to the complaint.

8 Complaint Learning

The assistant practice manager will compile a spreadsheet of complaints and any learning opportunities which have arisen from them.

Learning from complaints is an important part of clinical governance. Any learning from complaints will be discussed at the practice clinical governance meeting.

9 Complaint Response

This will be provided to the complainant in writing (or email by mutual consent), and the letter will be signed by the assistant practice manager or practice business manager. The letter will be on Hampton Medical Centre headed paper and include:

- An apology, if appropriate, (the Compensation Act 2006, Section 2 expressly allows an apology to be made without any admission of negligence or breach of a statutory duty)
- A clear statement of the issues, details and the findings of the investigation, and clear evidence-based reasons for decisions, if appropriate
- Where errors have occurred, explain these fully and state what has been, or will be, done to put this right, or prevent repetition. Clinical matters must be explained in accessible language
- A clear statement that the response is final but that the practice will support any further questions that the investigation and response has produced.
- A statement indicating that if they are not satisfied with the response, they have the right to refer the complaint to the Parliamentary and Health Service Ombudsman.

10 Confidentiality

Hampton Medical Centre 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, and no reference which might disclose the fact a complaint has been made, should be included on the computerised clinical record system. Hampton Medical Centre use `Teamnet` for its complaint records.

11 Unreasonable or Vexatious Complaints

Where a complainant becomes unreasonable, or excessively rude or aggressive, in their promotion of the complaint, some, or all of the following formal provisions will apply, and must be communicated to the patient by the responsible person in writing:

- 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).
- 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, once responded to in writing.
- Only acknowledge correspondence regarding a closed matter, not respond to it
- Set behaviour standards.
- Return irrelevant documentation.
- Detailed records will be kept of each encounter.

12 Complaints involving Locums and students

It is important that all complaints made to Hampton Medical Centre regarding, or involving, a locum (Doctor, Nurse or any other temporary staff member) are dealt with by the practice to investigate and respond. The responsibility for handling and investigating all complaints rests with the practice.

Locum staff should, however, be involved at an early stage, and be advised of the complaint, in order that they can provide any explanations, preferably in writing. All staff named in a complaint should be made aware of the complaint and given the opportunity to respond, whether they are clinical or administrative staff. Providing their factual account, along with any factual account from the Practice is the best way to proceed.

Hampton Medical Centre will ensure that on engaging any Locum, the Locum Agreement will include an assurance that they will participate in any complaint investigation where they are involved or can provide any material evidence.

Hampton Medical Centre will ensure that there is no discrepancy in the way it investigates, or handles, complaints between any Locum staff and either practice partners, salaried staff, students, trainees or any other employees. The clinician/staff member involved will be given an opportunity to review any records the practice holds with regards to the complaint.