

Stellar Healthcare

Complaints and Comments Procedure

Confidentiality Notice

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This Policy and Procedure complies with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the 2009 Regulations), which came into force on 1st April 2009. It also takes account of the NHS Complaint Standards published by the Parliamentary and Health Service Ombudsman, the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (including the Duty of Candour), and current NHS England guidance

Policy

- Stellar Healthcare will take all reasonable steps to ensure that its members of staff are aware of and comply with this procedure.
- Stellar Healthcare has nominated Anna Beeston as its Complaints Manager, to be responsible for managing the procedures for handling and considering complaints in accordance with the policy and procedure.
- Stellar Healthcare has nominated Dr Vishal Kapil, Medical Director as its Responsible Person, to be responsible for ensuring compliance with the policy and procedure, and in particular ensuring that action is taken, if necessary, in the light of the outcome of a complaint.
- Stellar Healthcare will take all reasonable steps to ensure that patients are aware of:

- The Complaints and Comments Procedure
- The roles of the organisation; *NHS England* and the Health Service Ombudsman about patient complaints.

This includes the alternative facility for the patient to complain directly to *NHS England* or Hertfordshire and west Essex ICB instead of making their complaint to the organisation, as well as their right to escalate their complaint to the Health Service Ombudsman when they are dissatisfied with the initial response.

N.B. ALL escalations must be directed to the Health Service Ombudsman (so when a patient is dissatisfied with the organisations response to their complaint, they must escalate their complaint to the Health Service Ombudsman.

Their right to assistance with any complaint from the Patient Advice and Liaison Service (PALS); The Independent Complaints Advocacy Service (ICAS); Citizens Advice Bureau, NHS Direct and the Care Quality Commission

- Patients will be encouraged to complain in writing where possible.
- All complaints will be treated in the strictest confidence.
- Patients who make a complaint will not be discriminated against or be subject to any negative effect on their care, treatment, or support.
- Where a complaint investigation requires access to the patient's medical records and involves disclosure of this information to a person outside the practice, the Complaints Manager, will inform the patient or person acting on their behalf.
- Stellar Healthcare will maintain a complete record of all complaints and copies of all related correspondence. These records will be kept separately from patients' medical records.
- This procedure complies with the NHS Complaint Standards (Parliamentary and Health Service Ombudsman, 2022) and takes account of the statutory Duty of Candour where a complaint reveals a notifiable safety incident

Procedure

Receipt and acknowledgement of complaints

Stellar Healthcare may receive the following complaints:

- A complaint made directly by the patient or former patient, who is receiving or has received treatment from the organisation.
- A complaint made on behalf of a patient or former patient (with his/her consent), who is receiving or has received treatment.
- 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 into 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 representative who has an interest in his/her welfare.
- All complaints, whether written or verbal will be recorded in the dedicated complaints record.
- All written complaints will be acknowledged in writing within three working days of receipt.
- If Stellar Healthcare identifies that the complaint will involve an additional provider, it will agree with that provider which organisation will take the lead in responding and communicating with the complainant.

Periods of time within which complaints can be made

- The periods of time within which a complaint can be made is normally:
 - 12 months from the date on which the event / incident which is the subject of the complaint occurred; or
 - 12 months from the date on which the event / incident which is the subject of the complaint comes to the complainant's notice.

Initial action upon receipt of a complaint

- All complaints, whether verbal or in writing must be forwarded immediately to the relevant contract manager. The manager will then assess the complaint to see if it is a complaint, comment, SI or SEA.
- If the complaint is classed as a SI or SEA then the relevant policies will be followed and logged within the complaints register.
- If the complaint is classed as a comment, it will be directed to the contract lead who will aim to resolve by telephone with the patient. Once resolved the comment outcome will go back to the management PA to complete on the complaints register and then closed.
- If the complaint is classified as a complaint, then the complaints process below will be initiated and a complaints folder for the complaint will be created.
- Where the complaint is made verbally, a written record will be made of the complaint and a copy of this will be provided to the complainant.
- A written acknowledgement of receipt of the complaint must be made not later than three working days after the day on which the Stellar receives the complaint.
- This written acknowledgement will include:
 - The name and contact details of the member of staff who will be investigating the complaint
 - Consent form if the complainant is not the patient in which the complaint is about.
 - An offer to discuss with the complainant how the complaint will be handled and the expected timescale for the response (as required by Regulation 13(7))

- As much of the following information as possible should be obtained, to enable the complainant's concerns to be assessed correctly, resolved quickly if possible and build a good ongoing relationship with them:
 - Check if consent is needed to access someone's personal records
 - Check if they have any disabilities or circumstances that need to be taken account of.
 - Ensure they are aware that they can request an advocate to support them throughout the complaints process.
 - Systematically go through the reasons for the complaint so that there is a clear understanding why they are dissatisfied.
 - Ascertain what they would like to happen because of the complaint (for example, an apology, new appointment, reimbursement for costs or loss of personal belongings or an explanation).
 - Advise them at the outset if their expectations are not feasible or realistic.
 - Formulate and agree a plan of action, including when and how the complainant will hear back from the Stellar Healthcare.
- If it is considered that the matter can be resolved quickly without further investigation, the organisation will do so, providing the complainant agrees and there is no risk to other service users.
- In the event the complainant does not accept the offer of a discussion, Stellar Healthcare will itself determine the response period and notify the complainant in writing of that period.

Investigation and response

- Once the acknowledgement letter has been sent and consent is confirmed it will be decided by the contract manager whether the complaint is clinical or non-clinical in order to decide the best person to carry out the investigation. If it is a clinical complaint the Medical Director will carry out the investigation, if it is non-clinical the contract lead will carry out the investigation.
- Complaints will be resolved as soon as reasonably practicable. Stellar Healthcare aims to complete the investigation and send a full response within 20 working days of acknowledgement
- At the time of acknowledgement, the Complaints Manager will offer to discuss with the complainant (or their representative) the manner in which the complaint will be handled and the expected response period. If the complainant does not accept the offer of discussion, the Responsible Person will determine a reasonable response period and notify the complainant in writing. The response period may be extended by mutual agreement where a full and fair investigation requires more time. The complainant will be kept informed of progress at agreed intervals. If it becomes clear that the agreed response period cannot be met, the complainant will be notified in writing with an explanation and a revised timescale. Stellar Healthcare will investigate the complaint speedily and efficiently and as far as reasonably practicable, keep the complainant informed of the progress of the investigation.
- After the investigation is completed, Stellar Healthcare will compile a written report which incorporates:
 - A summary of each element of the complaint
 - Details of policies or guidelines followed
 - A summary of the investigation
 - Details of key issues or facts identified by an investigation

- Conclusions of the investigation: was there an error, omission, or shortfall by your organisation? Did this disadvantage the complainant, and if so, how?
- What needs to be done to put things right?
- An apology if one is needed
- An explanation of what will happen next (e.g. what will be done, who will do it, and when)
- Information on what the person complaining should do if they are still unhappy and wish to escalate the complaint, including full contact information on the Health Service Ombudsman.
- Stellar Healthcare will send the complainant a response within the agreed response time, signed by the member of staff leading on the complaint. The response will incorporate:
 - The written report
 - Confirmation as to whether the organisation is satisfied that any necessary action has been taken or is proposed to be taken.
 - A statement of the complainant's right to take their complaint to the Parliamentary and Health Service Ombudsman.
- If Stellar Healthcare does not send the complainant a response within the agreed response time, it will:
 - Notify the complainant in writing accordingly and explain the reason why.
 - and
 - Send the complainant a written response as soon as reasonably practicable after the agreed response time.
- If the complaint has been incorrectly sent to the organisation, the organisation will advise the patient of this fact within three working days from its initial receipt and ask them if they want it to be forwarded to the correct organisation. If it is sent on, Stellar healthcare will advise the patient of the correct organisation's full contact and address details.

Handling Unreasonable Complaints

- In situations where the person making the complaint can become aggressive or unreasonable, the Stellar Healthcare will instigate the appropriate actions from the list below and will advise the complainant accordingly. All actions will be taken in accordance with the Equality Act 2010 and will be proportionate and documented.
 - Ensure contact is being overseen by an appropriate senior member of staff, who will act as the single point of contact and make it clear to the complainant that other members of staff will be unable to help them.
 - Ask that they make contact in only one way, appropriate to their needs (e.g. in writing).
 - Place a time limit on any contact.
 - Restrict the number of calls or meetings during a specified period.
 - Ensure that a witness will be involved in each contact
 - Refuse to register repeated complaints about the same issue.
 - Do not respond to correspondence regarding a matter that has already been closed, only acknowledge it.
 - Explain that you do not respond to correspondence that is abusive.
 - Make contact through a third person such as a specialist advocate.
 - Ask the complainant to agree how they will behave when dealing with your service in the future.
 - Return any irrelevant documentation and remind them that it will not be returned.
 - When using any of these approaches to manage contact with unreasonable or aggressive people, provide an explanation of what is occurring and why.

- Maintain a detailed record of each contact during the ongoing relationship.

Complaints Register

To ensure Stellar Healthcare monitors, handles and reviews complaints in a logical and timely manner, and to keep an audit trail of steps taken and decisions reached, Stellar Healthcare records all complaints received on a dedicated complaints register (see [Appendix A](#)).

Annual Review of Complaints

- In line with National Guidance, Stellar Healthcare will supply information to NHS England (via the statutory KO41b return) and/or the relevant Integrated Care Board, including:
 - The number of complaints received.
 - The subject of the complaints.
 - Whether complaints have been upheld and details of any actions taken.
 - The number of cases referred to the Parliamentary and Health Service Ombudsman.

Reporting a Summary of Complaints to the Care Quality Commission

Stellar Healthcare will adhere to the Care Quality Commission's requirement of keeping a summary of complaints, responses and other related correspondence or information. This will ensure that, if requested, Stellar Healthcare can provide such a summary at a time and in a format set out by the CQC and will be able to send the summary within the timeframe specified.

Stellar Healthcare Complaints Register

Patient Details		Complaint Received Date	Complaint Details (Main Points)	Investigation Results	Informed Patient / Representative of Results	Date Resolved
Name:		Acknowledgement Letter Sent Date (must be within 3 working days of receipt)			(e.g. 20.04.15 by letter)	
Address:						
Tel:						
DOB:						
Clinical System No:						
Contact Name (if different to patient):		Type of Complaint (e.g: Clinical; Communication and Attitude; Premises; Practice Management; Practice Administration; Safety; Other.)				