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|-----------------------------|---|
| <b>Title:</b>               | <b>Complaints Policy</b>  |
| <b>Developed by:</b>        | Outlook South West Policy Team August 2008  |
| <b>Revised By:</b>          | Outlook South West Policy Team February 2009, March 2011<br>(in consultation with CIOSPCT Complaints Manager) |
| <b>Document Definition:</b> | Policy and Procedure  |
| <b>Ratified by:</b>         | The Partners  |
| <b>on:</b>                  | 23rd March 2011   |
| <b>Implementation Date:</b> | 23rd March 2011   |
| <b>Date to be reviewed:</b> | 3 years after ratification unless there are any changes in legislation or changes in clinical practice        |

## **1 Summary**

This document reflects Outlook South West's policy and procedure for managing queries and complaints. Whilst it has been written as an internal document outlining the procedures that the organisation follows, it is available upon request, to any member of the public, clients or other professionals. Please see 'Introduction' on page 3.

## **2 Who this document is relevant to**

All staff within Outlook South West

## **3 Related Policies**

Induction Policy  
Record keeping and Destruction of records Policy  
Serious Untoward Incident Policy  
Violence and aggression Policy

## **4 Related legislation and national guidance**

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009  
Cornwall and Isles of Scilly Primary Care Trust (CIOSPCT) Complaints Policy

## **5 Training requirements**

All staff at induction and desirable for locality teams/groups on request.

## **6 Equality Impact Screen/Assessment**

The equality impact assessment was completed on 15.11.10

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## **1 Introduction**

Outlook South West will do everything they can to make sure everyone who comes into contact with the organisation, gets the best possible service.

In situations where a complaint or concern arises, Outlook South West always encourages communication about this with the organisation in order that things can be put right.

Outlook South West wants to:

- Make it easy for you to tell us about your complaint or concern
- Allay concerns that any complaint you make might adversely affect any treatment offered by our service
- Give your complaint or concern the attention it deserves
- Resolve your complaint or concern without delay
- Make sure you are satisfied with how your complaint or concern was resolved.

### **Organisational Learning from Complaints**

Following the investigation of a complaint it may be appropriate for action to be taken to alter current policies or procedures. The investigating officer is to inform the complaints officer of these recommendations so that they can be put to the appropriate department within Outlook South West.

## **2 Scope of policy**

The aims of the complaints policy and procedures are to ensure that:

- ✓ Complaints are dealt with efficiently
- ✓ Complaints are properly investigated
- ✓ Complainants are treated with respect and courtesy
- ✓ Complainants receive, so far as is reasonably practicable;
  - Assistance to enable them to understand the procedure in relation to the complaints; or
  - Advice on where they may obtain such assistance
- ✓ Complainants receive timely and appropriate responses
- ✓ Complainants are told of the outcome of the investigation of their complaint; and
- ✓ Action is taken if necessary in the light of the outcome of a complaint.

This policy has taken into account the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and guidance issued by Cornwall and Isles of Scilly Primary Care Trust.

### 3 Definition

A complaint is defined as an expression of dissatisfaction (written or verbal) about a function, decision or contracted service. Examples of complaints include (but are not exhaustive to):

- Concerns about the quality of service provided
- The following of procedures and good practice
- The behaviour of a member of staff
- The accuracy or appropriateness of clinical records.

### 4 Roles and Responsibility

**The Partners** of Outlook South West retain overall accountability for complaints within the company.

**Lead Partner** – Currently this role is taken by Kevin Simpson. Complaints can be discussed between the Lead Partner and Locality Managers in supervision.

The Lead Partner will investigate any complaint that is received that involves any manager within the organisation (Personnel Manager, Line Manager or Locality Manager etc).

Any communication the partner has with the complainant should be updated onto the computerised log/system – as set up at the time.

The **Complaints Officer** holds the day to day responsibility of ensuring that:

- All complaints are logged upon receipt.
- Acknowledgement letters are sent to the complainant within 3 working days of the complaint being received.
- Complaints are forwarded to the relevant manager upon receipt so further investigations can be carried out within the specified time guidelines. For time guidelines, see **Appendix 3**.
- Initial investigation information is forwarded to the investigating manager. This may include, details from the complainant, reports from those complained against, IAPTus notes.
- All communication (emails, letters etc) is forwarded from investigating managers and filed in the Outlook South West central archives once the case has been resolved and closed.
- All complaints and progress of investigations are brought to the attention of the partners of Outlook South West at the partnership meetings.
- Details of the complaint and communication with the complainant are added to the computerised log/system – as set up at the time.

All **Managers (Line/Locality/Office/Personnel etc)** are required to:

- Co-operate fully with the Complaints Officer and/or Lead Partner in relation to the investigation of complaints.
- Ensure that all staff they line manage are aware of the Complaints policy and Procedure.
- Ensure that all time deadlines that are implemented regarding communicating with the Complainant, Complaints Officer, Lead Partner, PCT, or anyone else involved in the complaint are met.
- Forward all paper work and/or communication regarding a complaint to the Complaints Officer for filing.
- Ensure that any contact with the complainant is added to the computerised log.
- Ensure contact is made with the Complainant upon receiving the complaint to inform them of the following.
  - 1) Your name
  - 2) Your role within Outlook South West
  - 3) What you will be doing next (i.e. investigating further)
  - 4) A contact number for you (if appropriate) in case they have any further queries
  - 5) The agreed timescale for the investigation and resolution of the complaint.
- Establish with the complainant (prior to resolution if possible), the best method for them to receive the Feedback Form (this may be via post or email). The contact details should then be passed to the Complaints Officer.
- Ensure a closure / response letter is sent to the complainant within the specified time

(Other than in the case of a complaint being received regarding a Manager, then it will be the relevant Locality/Line Manager who will conduct the investigation and report their findings back to the complaints officer and/or lead partner).

**Locality Managers** – investigate any complaints regarding the service that OSW provide.

**Line Managers** – investigate personnel centred complaints (therapists) - in liaison with the Personnel Manager.

**Office Manager** – investigate personnel centred complaints (office staff) – in liaison with the Personnel Manager.

**Personnel Manager** – liaises with appropriate managers leading the investigation and updates Personnel files as required.

The Personnel Manager will lead any investigation that involves the Office Manager.

*If an Outlook South West Manager has dealt with the complaint they must keep the Complaints Officer updated and pass copies (or originals) of all correspondence to the Complaints Officer at the resolution of the complaint. This means that all the paperwork and logging can take place in a secure environment and can all be easily accessed.*

If a complainant re complains about the same issue, or complains about how a previous complaint was dealt with by the investigating manager, this will automatically be forwarded to the Lead Partner to follow up.

## **5 The cost of mismanaged complaints**

Poor or inadequate complaints management such as delays, inaccurate information or inadequate investigation can lead to the loss of confidence of service users and the good reputation that Outlook South West has, which could be difficult to regain.

It is the expectation that any employee of Outlook South West who is leading an investigation will always have the best interests of the organisation at heart, and as such, will act in a prompt and professional manor with all complaints.

## **6 Local Resolution Complaints Procedure**

### **STAGE 1**

#### **a) Informal Local Resolution**

Outlook South West staff (therapists and administrators) are encouraged and empowered to resolve complaints and concerns immediately and informally.

At all times, the complainant should be involved in the decision making process of defining whether the concern is dealt with informally, or escalated to a full complaint warranting a full investigation.

Consideration must be made of complainants and staff safety and wellbeing.

- Listen to the complainant and apologise where appropriate
- Ask how they wish to resolve matters and indicate how long this might take
- Seek advice from manager/complaints officer where necessary
- Involve the complainant in finding solutions to any failure that has been highlighted
- Arrange for the concern to be resolved
- Inform the complainant of the outcome

***IF THIS PROCESS TAKES LONGER THAN 24 HOURS, LEGISLATION STIPULATES THAT THE COMPLAINT MUST BE RECORDED AS A FORMAL COMPLAINT. STAFF MUST NOW INFORM THE COMPLAINTS OFFICER IF THEY HAVEN'T ALREADY.***

#### **b) The Patient Advice and Liaison Service (PALS)**

Concerns can also be directed to PALS, who can offer support and guidance whilst not being directly connected to the cause. PALS can:

- Help resolve problems quickly and informally by liaising between the service user and the employee
- Provide information about local NHS services

- Provide information on how to make a formal complaint and access advocacy. (This is not general advocacy but rather giving details about ICAS – Independent Complaints Advocacy Service).

### **c) Outlook South West Complaints Procedure**

All formal complaints should be forwarded to the Complaints Officer.

- Complaints can be made in writing or orally, however oral complaints should be recorded in writing and the complainant should be invited to sign the statement. If appropriate the complainant should be offered the support of ICAS or PALS when writing a statement.
- Complaints should be raised within 12 months of the event which has given rise to the complaint, or within 12 months of becoming aware that there was cause for complaint.
- The Complaints Officer is to identify the most appropriate manager to investigate the complaint – as indicated in the Role and Responsibility section. All information held about the complaint is to be forwarded to the investigating manager. It should be established at this point if there are any conflicting reasons why the manager identified to investigate the complaint should not continue. If so, another is to be identified immediately. For example, manager has previously investigated a complaint from the same complainant, manager is on leave thus leading to an extended delay of the investigation, manager knows the complainant (lives in same locality, has provided therapy for the complainant for example).
- All complaints that are received should be directed to the Complaints Officer, who will then send the standard acknowledgement letter to the complainant informing them what action will be taking place and who is investigating their complaint (Manager). The manager investigating should be copied into this letter. This acknowledgement is to be sent within *3 working days* of receipt of the complaint. The letter is also to detail that a local resolution plan will be agreed between the complainant and the investigating officer – this will include how the complainant might wish their complaint to be resolved and how long this might take. If contact has been made over the phone, this is to be followed up with a letter.

It is considered that 25 working days is a reasonable length of time in which to investigate a complaint. Further negotiation around this time limit should be based on the number of organisations involved, staff involved/complainant holiday or sickness etc. If the complaint can be resolved sooner than 25 working days, this will always be the preference.

- The Investigating Officer is to contact the complainant within 5 working days (sooner if possible) of the complaint being received to agree with them a local resolution action plan. A copy of this action plan can be sent to the complainant should they wish to receive a copy. Accompanying the action plan should be a cover letter.
- If it has not been possible to contact the complainant (no answer on the phone etc), an acknowledgement letter should be sent from the Investigating Officer, suggesting

the action plan and time scales, and inviting the complainant to respond if this plan is not acceptable.

- If the complainant is **NOT** the patient, then **NO** patient information can be given to the complainant. The complainant should be advised that if they wish for the complaint to be dealt with further then the patient will need to contact Outlook South West direct, or send in a letter of consent for the complainant to act on their behalf.
- The complaints officer should inform the investigating officer of the complaint at the earliest opportunity (on day of receipt if possible), so that timescales can be met. The investigating officer should receive the complaints letter, acknowledgement letter and any other communication that has already taken place. The investigating officer should ensure all staff involved receives a copy of the complaint letter and that they have the appropriate support.
- The Investigating officer should inform the complaints officer of the timescales agreed with the complainant within 5 days of the complaint being received.
- The investigating Officer is to provide the complaints officer with the results of the investigation, and details of how the complaint has been resolved. If the time scale cannot be met, the complaints officer should be informed and the investigating officer should agree an extension with the complainant.
- As part of the investigation, it may be appropriate to invite the complainant or complained against to meet with Outlook South West staff. Complainants and complained against can be accompanied at this meeting to enable them to feel at ease and supported and to allow for as much information about what happened as possible to be obtained.
- All complainants and complained against should receive a 'closure' Local Resolution response letter within the time agreed in the in initial action plan. As a guide, content of the response could include:
  - ✓ The nature of the complaint raised by the complainant
  - ✓ The nature of the investigation undertaken by Outlook South West
  - ✓ The conclusions reached by Outlook South West following investigation
  - ✓ What action has been taken by Outlook South West to resolve the complaint
  - ✓ An apology, if appropriate
  - ✓ What action will be taken to avoid such situations arising again
  - ✓ An invitation for further local resolution if the complainant is still not satisfied
  - ✓ Information about Stage 2 of the complaints procedure – Independent review.
- The Investigating Officer should inform the Complaints Officer as soon as the complaint has been resolved so a feedback form can be sent out.

## **7 Independent Review**

### **STAGE 2 – Independent Review**

The Parliamentary and Health Service Ombudsman handle complaints at Stage 2. For any complaint that reaches this stage, Outlook South West will co-operate with the Ombudsman when requests for information are received.

## **8 Cornwall & Isles of Scilly Primary Care Trust's (CIOSPCT) involvement**

If a complainant has gone direct to CIOSPCT with a complaint about the service provided by Outlook South West, the CIOSPCT Complaints Manager will advise the complainant of the need to forward their complaint to Outlook South West, and will seek their informed consent to do so. CIOSPCT will forward the complaint at the earliest opportunity.

Complaints legislation gives CIOSPCT has the right to decide how such complaints might be handled. This will most often mean that they ask to be copied into any complaints correspondence with the complainant. However, they also have the power to directly investigate any complaints.

Outlook South West will work closely with CIOSPCT in resolving complaints as quickly and effectively as possible. The involvement of CIOSPCT is still at Stage 1 of the complaints procedure.

## **9 Service Improvements, Clinical Governance and Performance Monitoring**

### **Risk Assessments**

The Complaints Officer is to be mindful of the potential level of risk which a new complaint may bring.

The Complaints Officer should remind staff of the use of Incident Report forms, and ensure that if appropriate following a complaint, this form gets completed.

If following a complaint, the complaints officer becomes aware that staff, service users or the public could be at risk, then the complaints officer will discuss the matter further with appropriate staff i.e Outlook South West partners. This could result in the matter being referred:

- Under the disciplinary procedures
- To a professional body
- Through the Serious untoward incident procedure
- To the police

Where there is potential for a claim to be made, or for the complaint to be publicised within the media, the partners and the Communications Officer are to be informed at once. Only the partners are to make any comments to the media.

## **Complaints Feedback form**

Complainants will be sent a feedback form (**appendix 1**), following the resolution of their complaint. This will enable them to:

- Indicate whether their complaint has been resolved satisfactorily
- Provide the complaints department with feedback to develop the service where appropriate
- Express whether they feel their care was affected as a result of making a complaint.

Whilst the investigating Officer still has contact with the complainant, it should be identified what is the best method of communication (i.e. letter or email).

## **Reporting**

The complaints officer should provide monthly reports to the partners of Outlook South West. These are to include:

- The number and subject matter of complaints received
- The time complaints are active for
- Any emerging themes (staff, issues, surgeries)
- Issues relating to ethnicity and discrimination
- Complaints that are involving CIOSPCT
- Complaints that are involving the Health Service Ombudsman

OSW will also provide an annual report to CIOSPCT in line with legislation.

## **Preservation/retention of records**

All complaint documents will be kept for a minimum of 7 years after the incident or issue complained about. This includes reports of any investigations carried out, all correspondence (including e-mails), notes of meetings and any related documents. This should all be stored in the Outlook South West archives – arrangements to be made by the Complaints Officer, not the investigating manager.

## **10 Legal action during or following a complaint**

If the complainant explicitly states an intention to take legal action or indicates that formal legal action has been initiated, the Communication Officer, the partners of Outlook South West and Cornwall and Isles of Scilly Primary Care Trust need to be informed immediately.

## **11 Withdrawal of a complaint**

If a complainant withdraws a complaint at any stage in the procedure, the complained against should be informed immediately.

## Equality Impact Assessment Form

### Stage 1 – Initial Assessment

|  |  |                                   |           |
|--|--|-----------------------------------|-----------|
| Name of Individual completing assessment         | Becky Biddick  | Locality                          | Cornwall  |
| Name of the function, policy, practices, service | Complaints Policy  | Is this a new or existing policy? | Existing  |
| Date policy was implemented                      | 23.11.2009 (original)<br>23.03.2011 (this version)       | Who does the policy affect?       | All staff |
| Communication and Awareness                      | Intranet, Internet, staff update days, locality managers |                                   |           |

| Equality Group               | Positive Impact | Negative Impact | No Impact | Reasons for decision   |
|------------------------------|-----------------|-----------------|-----------|--|
| Age                          | x               |                 |           | Outlook South West will not discriminate someone due to their age.   |
| Disability                   | x               |                 |           | Outlook South West will not discriminate someone due to their disability. Every individuals own needs will be look at and addressed on a case by case basis. |
| Marriage & Civil Partnership | x               |                 |           | Outlook South West will not discriminate someone due to their marital status   |
| Pregnancy & Maternity        | x               |                 |           | Outlook South West will not discriminate anyone who is a new or expectant mother, or new father.   |
| Race                         | x               |                 |           | Outlook South West will not discriminate someone due to their race.  |
| Religion & Belief            | x               |                 |           | Outlook South West will not discriminate someone due to their faith or belief.   |
| Gender                       | x               |                 |           | Outlook South West will not discriminate someone due to their gender.  |
| Sexual Orientation           | x               |                 |           | Outlook South West will not discriminate someone due to their sexual orientation.  |
| Gender Reassignment          | x               |                 |           | Outlook South West will not discriminate someone due to their gender reassignment  |

Following completion of the stage 1 assessment, is stage 2 (Full Assessment) necessary?

Yes  No

Sign by member of staff completed assessment ....B Biddick.....Date completed ....15.11.10.

## Complaints Feedback Form

We value your opinion, and so would be grateful if you could take a few moments to answer the following questions relating to the complaints procedure you have just been through. Any feedback we receive will help us improve the way we handle complaints. The information provided will be confidential.

**NAME:**

**DATE:**

**INVESTIGATING OFFICER (if known):**

(It is not mandatory for you to give the information above however it will help to make it easier for us to take action if necessary).

Please use the enclosed pre paid envelope to return the feedback form to Outlook South West.

Thank you for your time.

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Do you consider your complaint to be resolved satisfactorily?                      Yes / No

If not, please explain why:

Would you like us to look at your complaint again?                      Yes / No

Please confirm your name and contact details so we can talk further about how to do this:

**Whilst your complaint was being handled, did staff treat you with consideration and respect?** Yes / No

**Did you feel included in the process of your complaint being handled?** Yes / No

**Were you kept informed about the progress of your complaint?** Yes / No

**Was the response to your complaint easy to understand?** Yes / No

**Do you feel that the appropriate action has been taken following your complaint?** Yes / No

**Did you understand what to do next if you were not satisfied with how your complaint was resolved?** Yes / No

**Did you feel that your care was adversely affected because you complained?** Yes / No

**If you would like to make any further comments please do so here:**

**Thank you for your time. Please return completed forms in the stamped addressed envelope provided for your convenience.**

## APPENDIX 2

### CONTACTS

#### **Complaints Officer**

Outlook South West  
2D Restormel Estate  
Lostwithiel  
Cornwall  
PL22 0HG  
01208 871414  
[eng@outlooksw.co.uk](mailto:eng@outlooksw.co.uk)

#### **Patient Advice and Liaison Service (PALS)**

NHS Cornwall and Isles of Scilly  
Sedgemoor Centre  
St Austell  
Cornwall  
PL25 5AS  
Tel: 0845 170 8000

#### **CIOSPCT Complaints Manager**

Sedgemoor Centre  
St Austell  
Cornwall  
PL25 5AS  
01726 627827

#### **Independent Complaints Advocacy Service (ICAS)**

17 Dean Street  
Liskeard  
Cornwall  
PL14 4AB  
01579 345 193

#### **The Parliamentary and Health Service Ombudsman**

Millbank Tower  
Millbank  
London  
SW1P 4QP  
0345 015 4033  
[phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

APPENDIX 3

Complaints Time Line

Please note the deadlines below are based on the maximum timescales as set out in the Complaints Policy. Resolution should always be attempted to be reached earlier than the stipulated 25 days (extenuating circumstances may lead to an extension of the 25 days).

KEY:

|             |                    |                       |
|-------------|--------------------|-----------------------|
| Complainant | Complaints Officer | Investigating Officer |
|-------------|--------------------|-----------------------|

|   | Day 1 | Day 2 | Day 3 | Day 4 | Day 5 | Day 6 | Day 7 | Day 8 | Day 9 | Day 10 | Day 11 | Day 12 | Day 13 | Day 14 | Day 15 | Day 16 | Day 17 | Day 18 | Day 19 | Day 20 | Day 21 | Day 22 | Day 23 | Day 24 | Day 25 | Day 26 | Day 27 | Day 28 | Day 29 | Day 30 |  |
|---|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|
| Complaint Received  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Complaint Logged  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Investigating Manager identified  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Acknowledgement letter sent   |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| IAPTus updated  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Local resolution plan to be agreed between Investigating manager and complainant  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Inform Complaints Officer of timescales agreed  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Investigation period. May consist of: meeting with complainant, meeting with those complained against, gathering reports, notes from IAPTus etc |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| If an extension to the 25 day resolution is likely to be required, the complainant should be informed.  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Complaint resolution to be reached  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| IAPTus to be updated with resolution details, all correspondence etc  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| All correspondence to be forwarded to complaints administrator for filing and archiving.  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Feedback form to be sent to Complainant   |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| File to be updated, closed and archived.  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |
| Complaints log to be updated  |       |       |       |       |       |       |       |       |       |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |  |