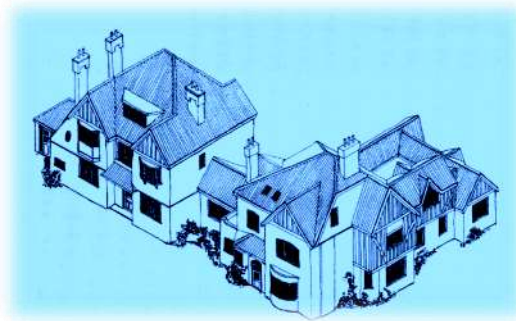


# Parkbury House Surgery

## Complaint Policy and Procedures



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# Complaints Policy

## 1. Purpose

Parkbury House surgery strives for excellence in all it provides and therefore the surgery values feedback from its patients on its services. We make every effort to give the best service possible care to everyone who attends our practice. However, we are aware that things can go wrong resulting in a patient feeling that they have a genuine cause for complaint. If this is so, we would wish for the matter to be settled as quickly, and as amicably, as possible.

### Definition of a complaint or concern

*A complaint or concern is an expression of dissatisfaction about an act, omission or decision of Parkbury House, either verbal or written, and whether justified or not, which requires a response and/or redress. source: <http://www.england.nhs.uk/contact-us/complaint/>.*

If any patient who has contact with Parkbury House Surgery is not happy with the service they receive, we wish to know so that the service can be reviewed and improved.

### This policy aims:

- To make commenting or complaining a simple a straightforward process;
- To have a process where the emphasis is on sorting out the difficulty that has arisen to the satisfaction of all involved;
- To ensure that dealing with complaints and subsequent action is a learning experience and one that can help Parkbury House Surgery to improve its services through continuous improvement.

### Parkbury House Surgery will

- Take all complaints seriously.
- Act fairly and proportionately
- Seek continuous improvement
- Endeavour to avoid complaints through training and development

### All Staff members will

- Take all complaints seriously.
- Support service users to be represented by an independent advocate.
- Deal with complaint according to this policy and procedure.

## 2. Patient Complaints Procedure

If you have a complaint or concern about the service that you have received from the doctors or any of the staff working in the Practice, please let us know.

We operate a complaints procedure as part of the NHS system<sup>i</sup>. We hope that if you have a problem, you will use our complaints procedure. We believe this will give us the best chance of putting right whatever our stakeholders feel that has gone wrong and an opportunity to improve the services provided by our practice.

### 2.1 Who can make a complaint

(Source: <http://www.england.nhs.uk/contact-us/complaint/>)

A complaint may be made by the person who is affected by the action, or it may be made by a person acting on behalf of a patient in any case where that person:

- **is a child; (typically up to the age of 16 years old):**

In the case of a child, the representative must be satisfied that there are reasonable grounds for the complaint being made by the representative instead of the child, and the representative is making the complaint in the best interests of the child.

- **has died:**

In the case of a person who has died, the complainant must be the personal representative of the deceased. The Practice needs to be satisfied that the complainant is the personal representative and can demonstrate that the responsible party has been affected, or is likely to be affected, by the action, omission or decision of Parkbury House surgery.

- **Has physical or mental incapacity:**

In the case of a person who is unable by reason of physical capacity, or lacks capacity within the meaning of the Mental Capacity Act 2005, to make the complaint themselves, the Practice needs to be satisfied that the complaint is being made in the best interests of the person on whose behalf the complaint is made and the complainant can demonstrate that the responsible part has been affected, or is likely to be affected, by the action, omission or decision of Parkbury House surgery.

- **Has given consent to a third party acting on their behalf (or has delegated authority to do so, for example in the form of a registered Power of Attorney which must cover health affairs).**

In the case of a third party pursuing a complaint on behalf of the person affected we will request the following information:

- Name and address of the person making the complaint;
- Name and either date of birth or address of the affected person; and

- Contact details of the affected person so that we can contact them for confirmation that they consent to the third party acting on their behalf.

This will be documented in the complaint file and confirmation will be issued to both the person making the complaint and the person affected.

- Is an MP, acting on behalf of and by instruction from a constituent.

If the Practice Manager is of the opinion that a representative does or did not have sufficient interest in the person's welfare, is not acting in their best interests, Parkbury House surgery will notify that person in writing stating the reasons.

## 2.2 Timescales for making a complaint

The majority of complaints can be resolved quickly and amicably between those directly involved. This first stage is called local resolution. We hope that most problems can be sorted out at the time they arise and with the person concerned.

If your problem cannot be sorted out in this way or you wish to formalise your complaint in writing, we would like you to let us know as soon as possible – ideally within a matter of days or at most a few weeks – because this will enable us to establish what happened more easily.

If it is not possible to do that, please let us have details of your complaint:

- Within 12 months of the incident that caused the problem; or
- Within 12 months of discovering that you have a problem, provided that is within 12 months of the incident.

If there are good reasons for not having made the complaint within the above timeframe and, if it is still possible to investigate the complaint effectively and fairly, Parkbury House surgery may decide to still consider the complaint, for example, longer periods of complaint timescales may apply to specific clinical areas.

## 2.3 How to complain

You can make your complaint:

- **In person (by phone or face to face)** – ask to speak to the Practice Manager, in absence please ask to speak to the Office Manager. Please contact the surgery for an appointment to be arranged if required.
- **In writing through post or email** – some complaints may be easier to explain in writing - please give as much information as you can, then send your complaint to the practice for the attention of the Practice Manager as soon as possible. You could either post or email to [parkburyhouse.info@nhs.net](mailto:parkburyhouse.info@nhs.net)  
**Please note:** If a complaint relates to the reception/administration please address your complaint to the Office Manager. If this cannot be resolved through the office Manager, then it will be passed on to the Practice Manager.

## 2.4 What we will do

Our complaints procedure is designed to make sure that we settle any complaints as quickly as possible. We will deal with your complaint promptly. We will acknowledge receipt of a written complaint (and complaints sent by email) within 5 working days. But it will be unnecessary to send an acknowledgement if we are able to respond in full within 5 working days.

Depending on the complexity of the complaint and the need for investigation, we will send you a full reply within 21 working days of receipt. If we cannot send a full reply within 21 working days of receipt we will tell you the reason why and let you know when we will be able to reply in full.

When we look into your complaint with an aim to:

- Advise the patient of potential timescales and the next steps;
- Investigate the circumstances to find out what happened and what went wrong;
- Make it possible for you to discuss the problem with those concerned;
- Make sure you receive an apology if this is appropriate;
- Identify what we can do to make sure the problem does not happen again;

At the end of the investigation your complaint will be discussed with you in detail, either in person or in writing. You will receive a final letter setting out the result of any practice investigations which 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 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 sent later;
- An apology or explanation as appropriate;
- A statement of the right to escalate the complaint, together with the relevant contact detail.

## **2.5 If you do not wish to complain directly to the practice or if you are not happy with the outcome of your complaint**

You can refer the matter by contacting the NHS England. The contact details are as follows:

### **Complaining to NHS England:**

#### **By post to:**

**NHS England**  
PO Box 16738  
Redditch  
B97 9PT

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

Please state: 'For the attention of the complaints team' in the subject line.

**By telephone: 0300 311 22 33**

#### **NHS England opening hours are:**

- Monday – Tuesday 8am to 6pm
- Wednesday 9.30 am to 6pm
- Thursday – Friday 8am to 6pm
- Closed at weekends and bank holidays.

## **2.6 If you are not content with our reply from NHS England, the next step is to ask the Parliamentary and Health Service Ombudsman (PHSO) to review your complaint.**

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

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

The PHSO undertakes independent investigations into complaints alleging that government departments and other public bodies in the UK, including NHS England, have not acted properly or fairly or have provided a poor service.

The Parliamentary and Health Service Ombudsman (or Health Service Commissioner for England) has the same powers as a court of law. NHS England

therefore has a legal duty to co-operate fully with any inquiry or investigation that the PHSO carries out in relation to a complaint and to provide any relevant documents. If you are unhappy with the Ombudsman's decision, you can appeal directly to the PHSO. Details of how to do this can be found on the [PHSO's website](#).

Once the Ombudsman or one of their senior staff has considered the complaint and sent a response, their decision is final. They will acknowledge any further correspondence but unless you raise new issues that they consider significant, they will not send further replies.

### **If You Need Help**

If you need assistance in making a complaint you can contact

#### **POhWER**

- Telephone - 0300 456 2370 (charged at local rate)
- Minicom - 0300 456 2364
- Text - send the word 'pohwer' with your name and number to 81025
- Email - [pohwer@pohwer.net](mailto:pohwer@pohwer.net)
- Skype - pohwer.advocacy; 8am to 6pm Monday to Friday
- Fax - 0300 456 2365
- Post - PO Box 14043, Birmingham, B6 9BL

For details visit website [www.pohwer.net](http://www.pohwer.net)

### **3. Unreasonable Complaints**

Where a complainant becomes aggressive or, despite effective complaint handling becomes 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);
- 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 may be refused ;
- Only acknowledge correspondence regarding a closed matter, not respond to it;
- Set behaviour standards ;
- Return irrelevant documentation;
- Keep detailed records.



#### **4. 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. This will include:

- Statistics on the number of complaints received;
- Justified / unjustified analysis;
- Known referrals to the Ombudsman;
- Subject matter / categorisation ;
- Learning points;
- Methods of complaints management;
- Any changes to procedure, policies or care which have resulted;

#### **5. Confidentiality**

- All complaints will be treated in the strictest confidence;
- Where the investigation of the complaint requires consideration of the patient's medical records, the patient or person acting on his/her behalf must be informed 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.

#### **6. Review Meetings**

- The practice will discuss certain complaints at practice Clinical Governance meetings. Staff present at these meetings will include GP partners, other doctors, Practice manager, Officer manager, and Nursing staff;
- Any complaints resolved leading to system or process changed will be shared in Clinical Governance meetings.

#### **7. Complaints against Staff**

This is a sensitive issue and Parkbury House Surgery will aim to ensure that staff members are supported in the most appropriate way. This may be through their line manager or a colleague. If the complaint is found to be of a serious nature, the disciplinary policy may be used.

If the complaint is found to be unjustified, a view will be taken by the Practice Manager as to the appropriateness of that staff member continuing to work with a particular service user.

## 8. Appendix 1 Patients' Complaints Management Protocols

### COMPLAINTS RECEIVED THROUGH POST OR EMAIL

Office manager will forward patients' complaints to Practice Manager and consideration given to the type of complaint. These will be dealt with as below:

#### ADMINISTRATIVE ISSUES

Practice Manager will investigate and send a formal response to patients within 21 working days. *In all cases an acknowledgement of complaint will be sent within 5 working days, however, if a response can be sent within 5 days there will be no need to send an acknowledgement.*

#### CLINICAL ISSUES

Practice Manager will investigate and discuss matters with respective clinician and thereby PM/Doctor will send a formal response to patients within 21 working days.

#### RECEPTION ISSUES

Office Manager will investigate and send a formal response to patients' complaints with 21 working days. Based on the nature of the complaints the office manager may forward complaints to the Practice Manager.

Original copies of all patients' complaints and all formal responses will be forwarded to scanning to be recorded on respective patients' electronic records.

Copies of all patients complaints and formal responses will be forwarded to the Assistant Business Manager for record keeping and organise statistics on the number of complaints received throughout the year.

Practice Manager will organise an Annual Review/Audit on patients' complaints to look into

- Statistics on the number of complaints received
- Justify/un justify analysis
- Any referral to the Ombudsman
- Learning points and share with practice team
- Methods of complaints management
- Any changes to procedure, policies or care.

**COMPLAINTS RECEIVED THROUGH TELEPHONE OR  
FACE TO FACE**

**Patients' complaints will be discussed with patients' to solve the problem through local resolution.**

**If matters are not resolved through local resolution the patient will be encouraged to submit their concerns in writing to the Practice Manager for investigation.**

**The complaint matter will be investigated by following the practice protocol for written complaints and a formal response will be send to the patient within 21 days and a copy of the response will be recorded on to patients' electronic notes.**

**Original copies of all patients' complaints and all formal responses will be forwarded to the coders for scanning on respective patients electronic records.**

**Copies of all patients complaints and formal responses will be forwarded to the Assistant Business Manager for record keeping and organise statistics on the number of complaints received.**

**Practice Manager will organise an Annual Review/Audit on patients' complaints to look into**

- **Statistics on the number of complaints received**
- **Justify/un justify analysis**
- **Any referral to the Ombudsman**
- **Learning points and share with practice team**
- **Methods of complaints management**
- **Any changes to procedure, policies or care.**