

Complaints Procedure

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1	June 2024	Katie Petty	Julie Johnson	
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1. Purpose

At Kelsall Medical Centre, we are committed to delivering safe, effective, and compassionate care to all our patients. We recognise that, despite our best efforts, there may be occasions when patients feel dissatisfied with the service they have received. This policy sets out how you can raise a concern or complaint, how we will respond, and how we will use your feedback to improve our services.

We view complaints as an opportunity to:

- Put things right for the person making the complaint.
- Learn from the experience to prevent similar issues in the future.
- Maintain trust and transparency between patients and the practice team.

2. Scope

This policy applies to:

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 (an individual who has not attained the age of 18)

In the case of a child, this organisation must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child and furthermore that 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. This organisation will require to be satisfied that the complainant is the personal representative.

Where appropriate, the organisation may request evidence to substantiate the complainant's claim to have a right to the information.

- 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 to make the complaint themselves, the organisation needs to be satisfied that the complaint is being made in the best interests of the person on whose

behalf the complaint is made.

- Has given consent to a third party acting on their behalf

In the case of a third party pursuing a complaint on behalf of the person affected, the organisation 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
- Contact details of the affected person so that they can be contacted for confirmation that they consent to the third party acting on their behalf

The above information will be documented in the file pertaining to this complaint and confirmation will be issued to both the person making the complaint and the person affected.

- Has delegated authority to act on their behalf, for example in the form of a registered Power of Attorney which must cover health affairs
- Is an MP, acting on behalf of and by instruction from a constituent

3. Principles

Our complaints handling is guided by the following principles:

- **Openness and transparency** – We will be honest about what happened and explain our findings clearly.
- **Fairness** – All complaints will be investigated impartially.
- **No disadvantage** – Making a complaint will not affect your ongoing or future care.
- **Confidentiality** – Complaints will be handled in accordance with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.
- **Timeliness** – We will respond promptly and keep you informed throughout the process.
- Both the statutory **Duty of Candour** and professional duty of candour have similar aims, to make sure that those providing care are open and transparent with the people using their services whether or not something has gone wrong.

The responsible person, or complaints lead, is the Practice Manager and they are responsible for ensuring compliance with the complaints regulations making sure action is taken because of the complaint.

NHS England defines that a concern is something that a service user is worried or nervous about and this can be resolved at the time the concern is raised whereas a complaint is a statement about something that is wrong or that the service user is dissatisfied with which requires a response.

It should be noted that a service user could be concerned about something and raise this matter, however, should it not be dealt with satisfactorily, then they may make a complaint about that concern.

There is no difference between a “formal” and an “informal” complaint. Both are expressions of dissatisfaction.

It is the responsibility of the complaints manager to consider whether the complaint is informal and therefore early resolution of an issue may be possible. If the complaints manager believes an issue can be resolved quickly then this organisation will aim to do this in around 10 working days and, with the agreement of the enquirer, we will categorise this as a concern and not a complaint.

4. Verbal complaints

If a patient wishes to complain verbally and should the patient be content for the person dealing with the complaint to deal with this matter and if appropriate to do so, then complaints should be managed at this level. After this conversation, the patient may suggest that no further action is needed.

Should this be the case, then the matter can be deemed to be closed.

Having this acknowledgement of the verbal complaint will be deemed as being sufficient and therefore the complaints manager does not need to subsequently respond in writing. However, the verbal complaint must be recorded in the complaints log to enable any trends to be identified and improvements to services made if applicable. The complaints manager should record notes of the discussion (for reference only) which may be used when discussing complaints at meetings.

5. Concerns

Should the complaints manager become aware that a patient, or the patient’s representative, wishes to discuss a concern, then this is deemed to be less formal and should be responded to as detailed below.

Points that should be considered are that:

- Should the patient be on the premises, then there will need to be a degree of interaction sooner than if it was a telephone call or email
- All facts need to be ascertained prior to any conversation
- Should the person be angry, contacting them too soon may inflame the situation further if they did not receive the outcome that they desired
- Consider any potential precedence that may be established, and will any future concern be expected to always be dealt with immediately should any response be given too soon
- Time management always needs to be considered
- Many of the concerns raised are not a true complaint, simply a point to note or a concern and this will still be investigated, and an answer ordinarily given within 10 working days. In doing this and with agreement with the enquirer, this would not need to be logged as a complaint as it can be dealt with as a concern.

6.Complaints

If the enquirer is clear that they wish to formalise the complaint, then the organisation will follow this complaints policy in full.

Whilst each concern will warrant its own response, generally at Kelsall Medical Centre the outcome will always be to ensure that the best response is always provided.

The complainant has a right to be regularly updated regarding the progress of their complaint. The complaints manager at Kelsall Medical Centre will provide an initial response to acknowledge any complaint within three working days after the complaint is received.

You can make a complaint in the way that is most convenient for you:

- **In writing** – Address your letter for the attention of the Practice Manager, 7 Green Hill Road, Kelsall, CW6 0SN
- **Email** the Practice Manager - cmicb-cheshire.kelsall.medicalcentre@nhs.net
- **By telephone** – Call 01829 751252 and ask to speak to the Practice Manager or Administration Manager.
- Via the **practice website** - <http://www.kelsallmedicalcentre.org.uk>

If you are complaining on behalf of someone else, we will require their written consent unless they are unable to give it due to illness, disability, or lack of capacity.

7. Confidentiality in relation to complaints

Any complaint is investigated with the utmost confidence and all associated documentation will be held separately from the complainant's medical records.

Complaint confidentiality will be maintained, ensuring only managers and staff who are involved in the investigation know the particulars of the complaint.

8. Logging and retaining complaints

All organisations will need to log their complaints and retain as per the Record Retentions Schedule .

Evidence required includes:

- a. Logging, updating and tracking for trends and considerations
- b. Details of all dates of acknowledgement, holding and final response letters and the timely completion of all correspondence relating to the complaint
- c. Compliance with the complaints in the categories that are required to complete the annual KO14b Submission to NHS Digital

This data is submitted by the Practice manager to NHS E within the KO14b complaints report annually and then published by NHS Digital. Any reporting period covers the period from 1 April until 31 March.

9. What Happens After You Make a Complaint

- **Acknowledgement** – We will acknowledge your complaint within **3 working days** of receipt.
- **Investigation** – The Practice Manager (or a delegated senior staff member) will investigate your concerns. This may involve reviewing your medical records, speaking to staff involved, and gathering relevant evidence.

- **Response** – We aim to provide a full written response within **20 working days**. If we cannot meet this timescale, we will explain why and agree a revised date with you.
- **Outcome** – Our response will include:
 - A summary of your complaint.
 - The findings of our investigation.
 - Any actions we have taken or will take to address the issue.
 - Information on your right to escalate the complaint if you are not satisfied.

10. Time Limits for Making a Complaint

Complaints should normally be made within **12 months** of the event, or within 12 months of becoming aware of the problem. We may investigate complaints made outside this timeframe if there is a good reason for the delay and it is still possible to carry out a fair investigation.

At Kelsall Medical Centre, should any response not have been provided within six months, we will write to the complainant to explain the reasons for the delay and outline when they can expect to receive the response. At the same time, we will notify the complainant that they have a right to approach the PHSO without waiting for local resolution to be completed.

Whilst each concern will warrant its own response, generally at Kelsall Medical Centre the outcome will always be to ensure that the best response is always provided.

11. Persistent and unreasonable complaints

The management of persistent and unreasonable complaints at this organisation will follow that as detailed by Cheshire and Merseyside ICB and advice will be sought from the ICB prior to any acknowledgment of a persistent, unreasonable or vexatious complainant.

12. Complaints involving locum staff

Kelsall Medical Centre will ensure that all locum staff, be it GPs, nurses or administrative staff, are aware of both the complaints process and that they will be expected to partake in any subsequent investigation, even if they have left the organisation (keeping in mind the 12-month time frame to complain).

Locum staff must receive assurance that they will be treated equally and that the process will not differ between locum staff, salaried staff or partners.

13. Significant events

When a complaint is raised, it may prompt other considerations, such as a significant event (SE). SEs are an excellent way to determine the root cause of an event and Kelsall Medical Centre can benefit from the learning outcomes because of the SE.

It is advised that the complainant, their carers and/or family are involved in the SE process. This helps to demonstrate to the complainant that the issue is being taken seriously and investigated by Kelsall Medical Centre. NHS E see too many instances where complainants are not involved in the SE process.

14. Staff rights to escalate to the PHSO

It should be noted that any staff who are being complained about can also take the case to the PHSO. An example may be that they are not satisfied with a response given on their behalf by a commissioning body. (ISCAS) should be considered.

15. If You Are Not Satisfied with Our Response

If you remain unhappy after our final response, you can escalate your complaint to:

Cheshire & Mersey ICB –

- **ICB's complaints information webpage at**
<https://www.cheshireandmerseyside.nhs.uk/contact/complaints/>

NHS England

- Email: england.contactus@nhs.net (mark for the attention of the complaints team)
- Post: NHS England, PO Box 16738, Redditch, B97 9PT
- Phone: 0300 311 22 33

If you are still dissatisfied after NHS England has reviewed your complaint, you can contact:

The Parliamentary and Health Service Ombudsman (PHSO)

- Website: www.ombudsman.org.uk

- Phone: 0345 015 4033

The PHSO is independent of the NHS and has the authority to review how your complaint was handled.

8. Support and Advocacy

If you need help making your complaint, you can contact your local **Independent Complaints Advocacy Service (ICAS)** or **Healthwatch**. These organisations can provide free, confidential advice and support.

9. Learning from Complaints

We take all complaints seriously and use them as an opportunity to improve. We:

- Record all complaints in a central log.
- Discuss at both management and clinical meetings where appropriate
- Use the information to identify and inform any training needs

16. Summary

The care and treatment delivered by Kelsall Medical Centre are done so with due diligence and in accordance with current guidelines. However, it is acknowledged that sometimes things can go wrong.

By having an effective complaints process in place, this organisation can investigate and resolve complaints in a timely manner, achieving the desired outcome for service users whilst also identifying lessons learned and ultimately improving service delivery.

Advocacy support

- [POhWER](#) support centre can be contacted via 0300 456 2370
- [Advocacy People](#) gives advocacy support on 0330 440 9000
- [Age UK](#) on 0800 055 6112
- Local Council can give advice on local advocacy services
- Other advocates and links can be found on this [PHSO webpage](#)

Further action

If you are dissatisfied with the outcome of your complaint from either Cheshire & Merseyside ICB or this organisation, then you can escalate your complaint to Parliamentary Health Service Ombudsman (PHSO) at either:

Milbank Tower, Milbank
LONDON
SW1P 4QP

Kelsall Medical Centre

7 Green Hill Road

Kelsall, Tarporley, CW6 0SN

Tel: 01829 751252 email: cmicb-cheshire.kelsall.medicalcentre@nhs.net

The Complaints Process KELSALL MEDICAL CENTRE





Talk to us

Every patient has the right to make a complaint about the treatment or care they have received at Kelsall Medical Centre.

We understand that we may not always get everything right and, by telling us about the problem you have encountered, we will be able to improve our services and patient experience.

Who to talk to

Most complaints can be resolved at a local level. Please speak to a member of staff if you have a concern and they will assist you where possible. Alternatively, ask to speak to the Practice or Administration Manager, but note this may need to be a booked appointment.

If for any reason you do not want to speak to a member of our staff, then you can request that the Integrated Care Board (ICB) investigates your complaint. They will contact us on your behalf:

Cheshire & Merseyside ICB:

<https://www.cheshireandmerseyside.nhs.uk/contact/complaints/>

A complaint can be made verbally or in writing. A complaints form is available on the practice website. Additionally, you can complain via email to:

cmicb-heshire.kelsall.medicalcentre@nhs.net

Time frames for complaints

The time constraint on bringing a complaint is 12 months from the occurrence giving rise to the complaint, or 12 months from the time you become aware of the matter about which you wish to complain.

The Practice will respond to you within three business days to acknowledge your complaint.

We will aim to investigate and provide you with the findings as soon as we can and will provide regular updates regarding the investigation of your complaint

Investigating complaints

We will investigate all complaints effectively and in conjunction with extant legislation and guidance.

Confidentiality

We will ensure that all complaints are investigated with the utmost confidentiality and that any documents are held separately from the patient's healthcare record.

Third party complaints

We allow third parties to make a complaint on behalf of a patient. The patient must provide consent for them to do so. A third-party patient complaint form is available from reception.

Final response

We will issue a final formal response to all complainants which will provide full details and the outcome of the complaint. We will liaise with you about the progress of any complaint.



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