

 <b>Kingston GP Chambers</b> Kingston Training Hub    Clinical Services Practice Support Services    Kingston Education Centre	<b>Complaints and Comments Procedure</b>		<b>Reviewed</b>	<b>June 2023</b>
			<b>Revised</b>	<b>Yes</b>
	<b>Adopted</b>	<b>2014</b>	<b>Next review</b>	<b>June 2025</b>

## Kingston GP Chambers Complaints and Comments Procedure

This Policy and Procedure complies with The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, introduced on 1<sup>st</sup> April 2009 across health and social care (herein referred to as “The Complaints Regulations”).

### General principles

Kingston GP Chambers has nominated Adam O’Donnell CQC compliance specialist as its Complaints Manager, to be responsible for managing the procedures for handling and considering complaints in accordance with the Policy and Procedure.

Kingston GP Chambers will take all reasonable steps to ensure that patients are aware of:

- The Complaints and Comments Procedure
- The roles of the Kingston GP Chambers, SWL ICB and the Health Service Ombudsman with regard to patient complaints. This includes the alternative facility for the patient to complain directly to SWL ICB instead of making their complaint to Kingston GP Chambers, as well as their right to escalate their complaint to the Health Service Ombudsman when they are dissatisfied with the initial response.
- Their right to assistance with any complaint from POHWER and Citizens’ Advice Bureaux.

Kingston GP Chambers will take all reasonable steps to ensure that their staff are aware of and comply with this Procedure, and that learning from complaints is shared with all staff.

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 Kingston GP Chambers, the Complaints Manager, will inform the patient or person acting on their behalf.

Kingston GP Chambers will maintain a complete record of all complaints and copies of all related correspondence. These records will be kept separately from patients' medical records

### Timeframe for making a complaint

1. The Complaints Regulations state that “a complaint must be made not later than 12 months after—

- (a) the date on which the matter which is the subject of the complaint occurred; or
- (b) if later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

2. These timescales apply unless:

- (a) the complainant had good reasons for not making the complaint within that time limit; and
- (b) notwithstanding the delay, it is still possible to investigate the complaint effectively and fairly.

Where a complaint is made to Kingston GP Chambers outside of the 12 month timeframe, the investigating manager must make and document an assessment of the points in section 2 to determine whether it is reasonable and possible to investigate the complaint. This decision should be made and communicated to the complainant within 3 working days of the complaint being received.

### Who can make a complaint?

Complaints can be considered under this policy when made by:

- A person who has received a service from Kingston GP Chambers
- A person who has been (or is likely to be) affected by the action, omission or decision of Kingston GP Chambers

Complaints should usually be made by the person concerned; however, a complaint can be made by someone acting on behalf of the affected person if that person:

- Has died
- Is a child
- Is unable to make a complaint themselves due to physical or mental incapacity
- Has requested that the representative make a complaint on their behalf

### **Children**

Where the affected person is a child, Kingston GP Chambers will consider whether it is satisfied that the child is unable to make the complaint themselves (i.e. whether they have capacity); note, this decision should be made on a case by case basis, depending on the maturity of the child involved, and not solely based on age.

Where it is decided that the child is capable of making the complaint, Kingston GP Chambers will write to the representative with this decision.

Where the child is considered incapable of making the complaint themselves, Kingston GP Chambers will then consider whether the person making the complaint on their behalf is a suitable representative; in making this decision, Kingston GP Chambers should be assured that the representative is acting in the best interest of the child (the representative does not necessarily have to be a patient or guardian).

### **Deceased patient**

Where the subject of the complaint is deceased, Kingston GP Chambers will make a decision about whether the person making the complaint on their behalf is suitable. They do not necessarily have to be next of kin or executor of the deceased's estate.

### **Patient experiencing physical or mental incapacity**

Where the person affected lacks mental capacity to make the complaint, Kingston GP Chambers will make a decision about whether the person making the complaint is acting in their best interests (remember that mental capacity may fluctuate in some patients, so it may be that the decision about whether the patient or their representative should make the complaint may change throughout the complaints handling period).

Where it is decided that the representative is not acting in the best interest of the patient, the complaint must not be accepted for investigation. Kingston GP Chambers will write to the representative, explaining this decision and the reasons for it.

## **The process**

### **Verbal/informal complaints**

Where a complaint is raised verbally and responded to no later than the following working day, it is not required to be dealt with under The Complaints Regulations. However, a record should be kept on the complaints tracker in order to monitor trends.

### **Formal complaints**

Formal complaints can be made verbally, in writing or electronically. Where the complaint is made verbally, Kingston GP Chambers will make a written record of the complaint and provide a copy to the complainant.

### **Acknowledging**

Formal complaints must be acknowledged in writing (either by letter or email) within 3 working days of receipt. The acknowledgement must include an offer to speak to the complainant about the complaint. If the complainant agrees to this discussion, the investigating manager should aim to include the following areas:

- Details of the manner in which the complaint will be investigated.
- An agreement about the timescale within which the investigation will be concluded and the complainant is sent a response (the Regulations give a target maximum time frame of six months to respond to complaints, but the timescale agreed with the complainant could be shorter if appropriate).
- Clarification of any issues relating to the complaint which are unclear.
- Details of the outcome the complainant wishes to achieve as a result of the complaint (i.e. what needs to happen for them to consider the complaint resolved).

Following the call, the complainant should be sent a written summary of what was discussed/agreed.

Where the complainant does not agree to discussing the complaint, you should send them details in writing of:

- The manner in which the complaint will be investigated.
- The timescale within which you intend to conclude the investigation and respond to their complaint (the Regulations give a target maximum time frame of six months to respond to complaints, but the timescale could be shorter if appropriate).

See Appendix A for template acknowledgement letter.

#### Updating where there is a delay in responding

Where it becomes apparent that the complaint investigation will not be concluded within the target timescale initially set, Kingston GP Chambers must notify the complainant in writing, explaining the reason for the delay and providing a revised target deadline.

#### Investigating the complaint

The complaints manager holds overall responsibility for the complaint investigation, but may delegate tasks to other staff as appropriate. Where another member of staff undertakes a complaints investigation on behalf of the complaints manager, they should report their findings to the complaints manager, who will be responsible for signing off any conclusions and actions and for responding to the complainant.

#### Responding to the complaint

The response to the complaint should be sent to the complainant as soon as possible after the conclusion of the complaint investigation. The complaint response must be sent by (or on behalf of) the complaints manager, and must include:

- An explanation of how the complaint has been considered
- Details of the conclusions reached in relation to the complaint, including specifying whether the complaint (in its entirety or aspects of ) is upheld, or explaining that it has not been possible to establish a definitive conclusion.
- Details of any action identified as a result of the complaint (both in relation to the complainant, e.g. offering an apology/taking some kind of remedial action, and in relation to the organisation e.g. changes to process).
- Confirmation of whether Kingston GP Chambers is satisfied that the required action has been taken or is proposed to be taken.
- Where the complaint (or parts of the complaint) are upheld but Kingston GP Chambers is unable to deliver the outcome requested by the complainant, an explanation should be included, outlining why the requested outcome will not be provided (e.g. because it's disproportionate/ inappropriate/ outside of the organisation's remit).
- Details of the complainant's right to take their complaint to the Health Service Ombudsman.

See Appendix B for a template complaint response letter.

### **Complaints relating to more than one organisation**

Where a complaint relates to both Kingston GP Chambers and another organisation(s) (e.g. a hospital or GP practice), the organisations involved must agree which organisation will take a lead in co-ordinating the handling of the complaint.

Where Kingston GP Chambers is designated the lead, they will correspond with the complainant as outlined in the process section below. They will liaise with the other organisation(s) involved in order to agree the timescale for those organisations to supply their responses to the complaint. Kingston GP Chambers will then provide a response to the complainant, incorporating information gathered from the other organisation(s).

Where Kingston GP Chambers is not the designated lead, they will investigate the aspects of the complaint relating to their service and provide the lead organisation with the information required, where possible, within the timeframe agreed with the lead organisation.

### **Monitoring**

All complaints (both formal and informal/verbal) will be recorded on the Complaints Tracker, which will be kept updated with details of the complaints investigation and actions identified. This will enable the CQC compliance specialist to maintain oversight of each complaint and hold individual staff members to account.

Complaints will be discussed as a standing item in the team meeting and Board meeting so that learning can be shared organisation-wide.

### **Cooperating with external investigations**

Kingston GP Chambers will cooperate with all external complaint investigations (e.g. SWL ICB, Health Service Ombudsman). All requests to supply information to external organisations will be considered and responded to appropriately, in line with legal requirements relating to personal data.

All external requests for information relating to a complaint should be immediately referred to the CQC compliance specialist for consideration. The CQC compliance specialist will fully document the decision about whether to disclose information.

### **Unresolved Complaints**

- In situations where the person making the complaint can become aggressive or unreasonable, the Kingston GP Chambers will instigate the appropriate actions within the guidelines of our 'Zero Tolerance Policy.'
- Our Zero Tolerance Policy is available on request.

### **Annual Review of Complaints**

In line with National Guidance, the Kingston GP Chambers will supply the following information to NHS England:

- The number of complaints received;
- The issues that these complaints raised;
- Whether complaints have been upheld;
- The number of cases referred to the Ombudsman.

## **Reporting a Summary of Complaints to the Care Quality Commission**

Kingston GP Chambers will adhere to the Care Quality Commission's requirement of producing a summary of complaints at a time and in a format set out by the CQC and then send the summary within the timeframe specified.

### **Useful contacts**

South West London Integrated Care Board using the details below:

Telephone: 0800 026 6082

E-mail: [contactus@swlondon.nhs.uk](mailto:contactus@swlondon.nhs.uk)

Address: NHS South West London ICB, 120 the Broadway, Wimbledon London SW19 1RH

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

Millbank Tower

Millbank London SW1P 4QP

Tel: 0345 0154033

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### **POhWER**

**Tel:** 0300 456 2370

**Email:** [pohwer@pohwer.net](mailto:pohwer@pohwer.net)

[NHS Complaints Advocacy | POhWER](#)

### **Compliance with this procedure**

The Compliance and Governance Manager will maintain regular overview of actions relating to complaints as part of the preparation of the monthly Board Report.

An annual review of all complaints will be undertaken by the Compliance and Governance Manager at the end of each reporting year (March 31<sup>st</sup>) to ensure that all identified actions have been completed (or are on track to be completed).

## Appendix A

### Template complaint acknowledgement letter

Dear

Thank you for taking the time to discuss your concerns about [e.g. your consultation with Dr X] during our phone call [e.g. yesterday]. I was sorry to hear that you were unhappy with the service you received.

#### **Or (where you have not discussed the complaint with the complainant)**

Thank you for taking the time to write to us about your concerns regarding [e.g. your consultation with Dr X]. I was sorry to hear that you were unhappy with the service you received.

#### **Your complaint**

You complain that [insert summary of complaint]

I hope that this is an accurate summary of your concerns.

#### **(where complaint was made verbally)**

Before we can begin looking into your complaint, we need you to confirm that you are happy that the summary adequately captures all the issues you wish to complain about, as this will form the basis for our investigation.

Please contact me to either confirm that you would like us to proceed, or to let me know of any amendments to the summary that are needed. You can contact me via phone on 020 83405 8631 or email at [ann.cox7@nhs.net](mailto:ann.cox7@nhs.net).

The NHS Complaints Regulations allow up to six months for organisations to investigate and respond to complaints; however, expect that we will be able to investigate and respond to your complaint within [insert number of weeks] from the date that we receive confirmation from you that your complaint has been accurately summarised. If we are unable to respond to you within this timeframe, we will contact you to let you know.

#### **(where complaints was made in writing)**

The NHS Complaints Regulations allow up to six months for organisations to investigate and respond to complaints; however, expect that we will be able to investigate and respond to your complaint by [insert date]. If we are unable to respond to you within this timeframe, we will contact you to let you know.

If you would like to discuss anything raised in this letter, please do not hesitate to contact me.

Yours sincerely

## Appendix B

## Template complaint response letter

Patient's address

Date

Dear \_\_\_\_\_

Thank you for taking the time to contact us regarding your complaint about our \_\_\_\_\_ service. We have now investigated the issues that you have raised and are able to respond to your concerns.

You complain that...(insert a summary of the complaint including the complainant's desired outcome (if known))  
*e.g. on 1 January 2020 you attended for an appointment with a GP; you explain that you felt that the GP you saw was rude to you and that the GP refused to provide you with a prescription for the medicine you requested. In order to resolve the complaint, you would like the GP to apologise for their behaviour.*

As part of our investigation into your complaint we have...(insert details of how the complaint was investigated)  
*e.g. spoken to the GP concerned and reviewed the note made in your clinical record relating to the consultation.*

Insert details of the findings of the investigation, including details of any anomalies between the complainant's version and the staff member(s) versions. For each point, state whether the complaint is upheld or not.  
*e.g. Our clinical director has reviewed the record made of the symptoms you reported during your consultation and considers that the GP made a correct clinical decision not to issue a prescription for the medicine you requested, as this would not be a suitable treatment. Therefore we do not uphold this aspect of your complaint.*

Insert details of any resolution (e.g. apologies, financial compensation, etc).

I hope that this letter resolves your complaint to your satisfaction; however, if you wish to take the matter forward, you can complain to the Parliamentary and Health Service Ombudsman. Information about their service is available on their website ([www.ombudsman.org.uk](http://www.ombudsman.org.uk)) or you can write to them at:

Parliamentary and Health Service Ombudsman  
Citygate  
47-51 Mosley Street  
Manchester  
M2 3HQ

Yours sincerely

**Ann Cox**  
Chief Operating Officer, Kingston GP Chambers