Complaints and Patient Advice & Liaison Service (PALs)

Policy and Procedure
Complaints should be sent to the following address:

Complaints, Concerns and Compliments Team
FREEPOST - RTGC-EBAX-HHZH
NHS Eastern Cheshire Clinical Commissioning Group
1st Floor West Wing, New Alderley House
Macclesfield
Cheshire
SK10 3BL

Tel: 01625 663 828
Email: complaints.nhseeasterncheshireccg@nhs.net

If you wish to discuss your concerns, are unsure whether you wish to raise a formal complaint have any queries or would like to seek advice, please contact the Patient Advice and Liaison Service (PALs) who would be happy to assist:

Tel: 01625 663 477
Email: pals.nhseeasterncheshireccg@nhs.net

NB: The version of the policy posted on the intranet must be a PDF copy of the approved version.

Document Status: This is a controlled document. Whilst this document may be printed the electronic version posted on the intranet is the controlled copy. Any printed copies of the document are not controlled.
1. **INTRODUCTION**

NHS Eastern Cheshire Clinical Commissioning Group (CCG) is responsible for planning and commissioning (buying) healthcare services for the people of Eastern Cheshire.

While NHS Eastern Cheshire CCG is committed to ensuring that patients have a positive experience of the services we commission, we recognise that things can and do go wrong. NHS Eastern Cheshire CCG believe that these experiences play an important role in ensuring that the quality of services provided to our patients continues to improve by providing a positive opportunity to learn and make changes.

This means that NHS Eastern Cheshire CCG endeavour to go above and beyond our statutory function of having processes to manage concerns, feedback and complaints, by holding the patient at the centre of everything we do while seeking out and listening to what they are telling us.

2. **AIM OF THE POLICY**

This policy sets out the framework that NHS Eastern Cheshire CCG will follow when addressing concerns, feedback or complaints made by people registered with an NHS Eastern Cheshire CCG GP Practice (or their nominated representatives).

The policy incorporates the requirements of the *Local Authority Social Services and National Health Service Complaints (England) Regulations 2009* (hereon ‘the regulations’) and the rights of patients and service users set out in *The NHS Constitution*.

The Complaints, Concerns and Compliments Team are responsible for managing and co-ordinating NHS Eastern Cheshire CCG's response to concerns, feedback or complaints made by people registered with an NHS Eastern Cheshire CCG GP Practice (or their nominated representatives).

The Complaints, Concerns and Compliments Team recognise that raising concerns, feedback or a complaint can sometimes be a difficult experience for patients and their families or carers. The Complaints, Concerns and Compliments Team therefore work hard to ensure that the PALs and Complaints processes which respond to concerns, feedback and complaints are ‘patient friendly’. This means working with patients and individuals in a compassionate, sensitive and timely manner to resolve their concerns and identify what changes or learning can be implemented to prevent the situation from recurring.

The Complaints, Concerns and Compliments Team also work towards meeting the Parliamentary and Health Service Ombudsman’s *Principles of Good Complaint Handling*.

The main policy document will outline the over-arching principles that NHS Eastern Cheshire CCG adopt when addressing concerns, feedback and complaints. Details of the operational processes that will be followed are available in *Appendix A*.

3. **SCOPE AND PURPOSE**

Concerns, feedback and complaints may be raised under this policy and procedure by:
•Anyone who is receiving, or has received, NHS treatment and services which are commissioned by NHS Eastern Cheshire CCG.

•A relative, representative or friend of a person who is receiving or has received NHS treatment and services commissioned by NHS Eastern Cheshire CCG, if they have been given permission to act on the person’s behalf

•Anyone who is affected by or likely to be affected by the action, omission or decision of NHS Eastern Cheshire CCG.

•An elected official (such as a Member of Parliament or Local Councillor) who has been contacted by a constituent raising concerns, feedback or a complaint about either an NHS Eastern Cheshire CCG action, omission or decision and/or treatment of service commissioned by NHS Eastern Cheshire CCG

•A partner agency that has been contacted by a person with concerns, feedback or a complaint but advised and agreed with the person that it is more appropriate for NHS Eastern Cheshire CCG to co-ordinate the investigation and response

Please note that this is not an exhaustive list of the methods and forums through which concerns, feedback and complaints may be raised with NHS Eastern Cheshire CCG although all concerns, feedback and complaints are treated equally.

We commission a number of providers to deliver NHS treatment and services for patients in NHS Eastern Cheshire CCG. If you are unsure whether NHS Eastern Cheshire CCG is the responsible commissioner of the NHS treatment or services you receive, we would be happy to discuss this with you.

There are some types of concerns, feedback or complaints about healthcare treatments and service which fall outside the scope of this policy. These include:

•Concerns, feedback or complaints about privately funded healthcare – These should be directed to the private healthcare provider

•Concerns, feedback or complaints about NHS healthcare where NHS Eastern Cheshire CCG is not the responsible commissioner (e.g. services commissioned by NHS England, Public Health England or another CCG) – These should be directed to the responsible commissioner


•Concerns, feedback or complaints that have already been investigated by a healthcare provider or commissioner under the NHS Complaints Procedure - The regulations do not allow NHS Eastern Cheshire CCG to undertake a second investigation so the next stage would be to contact the Health Service Ombudsman via: https://www.ombudsman.org.uk/about-us/contact-us
• Concerns, feedback or complaints that are being or have been investigated by the Health Service Ombudsman – Queries or enquiries should be directed to the Health Service Ombudsman: https://www.ombudsman.org.uk/about-us/contact-us

If a concern, feedback or complaint falls under one of the above descriptions, we will follow the regulations by supporting the enquirer to ensure they are provided with appropriate advice or guidance about redirecting the concerns, feedback or complaint, which will include the Complaints, Concerns and Compliments Team offering to undertake the redirection on the patient’s behalf.

If the concern, feedback or complaint involves multiple NHS Providers, including services commissioned by NHS Eastern Cheshire CCG, the Complaints, Concerns and Compliments Team will proactively and positively agree to co-ordinate the response from the relevant providers.

This policy does not apply to the following scenarios as these are covered by other NHS Eastern Cheshire CCG policies:

• Concerns, feedback or complaints raised under the Public Interest Disclosure Act 1998 - Please see the NHS Eastern Cheshire CCG Whistleblowing Policy

• Concerns, feedback or complaints made by an employee working within Eastern Cheshire CCG relating to their employment, contractual or pension issues – Please see the NHS Eastern Cheshire CCG Grievance and Disputes Policy

• Concerns, feedback or complaints about NHS fraud, bribery or corruption – Please see the NHS Eastern Cheshire CCG Fraud, Bribery and Corruption Policy and Response Plan

4. DEFINITIONS

As part of its commitment to using concerns, feedback and complaints as opportunities for learning, NHS Eastern Cheshire CCG use a broad definition to define concerns, feedback and complaints as ‘any expression of dissatisfaction’.

NHS Eastern Cheshire CCG will determine whether the concern, feedback or complaints it receives should be addressed through its Patient Advice and Liaison Service (PALs) or via the formal NHS Complaints Procedure. This is undertaken on a case by case basis.

This case by case approach means there are no arbitrary definitions to distinguish between whether concerns, feedback or complaints will be managed via the PALs or Complaints process.

The main difference is that the PALs process is usually followed for concerns, feedback or complaints that can be resolved relatively quickly and, ideally, within 24 hours. The formal Complaints Process will be used when in-depth investigation is required which will usually work towards a 35-working day timescale and be responded to via a formal response from a Senior Executive at NHS Eastern Cheshire CCG. If the concern, feedback or complaint has been raised by an elected official, it will be managed via the formal Complaints
Process although work towards providing a response within 20-working days wherever possible.

We will notify people whether their concern, feedback or complaint is being managed via PALs or under the formal NHS Complaints Procedure. If a person’s concern feedback or complaint has been responded to under PALs, this does not prevent a person from raising a formal complaint under the NHS Complaints Procedure. We will therefore advise any person whose concern, feedback or complaint is managed via PALs that they remain able to raise a formal complaint if they are dissatisfied or feel their concern has not been appropriately addressed.

All contact received by NHS Eastern Cheshire CCG that is an expression of dissatisfaction is recorded on our case management system ‘DATIX’ to help us identify themes and trends, regardless of whether it is processed as a PALs or Complaint.

5. TIME LIMIT FOR MAKING A COMPLAINT

The regulations state that the time limit for making a formal complaint is normally within 12 months of the event or when knowledge of the event took place. NHS Eastern Cheshire CCG do however apply discretion in applying this time limit as part of its commitment to operating a patient friendly process.

6. MANAGEMENT OF CONCERNS AND COMPLAINTS

Full details of the processes followed when managing PALs and Formal Complaints are available in Appendix A. The following graphics demonstrate the key steps of the processes.

**PALs process**

1. PALs enquiry received
2. CCG provides information and advice, making enquiries where necessary
3. Response given with signposting to raise formal complaint if issue not resolved
7. **ROLES AND RESPONSIBILITIES**

NHS Eastern Cheshire CCG’s *Accountable Officer* is responsible for ensuring compliance with the arrangements made under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (“The 2009 Regulations”) and for ensuring that action is taken if necessary, depending on the outcome of a complaint.

The *Complaints, Incidents and Governance Manager* is responsible for ensuring that the Complaints, Concerns and Compliment Team meet the principles of this policy when addressing concerns, feedback or complaints.

The *Complaints, Concerns and Compliments Team* are responsible for processing and undertaking the necessary enquiries to investigate and respond to concerns, feedback or complaints.
The Complaints and Concerns Sub-Committee of the Clinical, Quality and Performance Committee will review themes and trends from concerns, feedback or complaints raised with NHS Eastern Cheshire CCG, including reviewing anonymised complaint responses to provide continuous quality assurance of the CCG’s approach to concerns, feedback or complaints.

8. MONITORING

Monthly intelligence reporting will be provided to the Complaints and Concerns Sub-Committee of the Clinical, Quality and Performance Committee.

An Annual Complaints report will be prepared and published for each Financial Year, in accordance with the regulations.

Pro-active monitoring will be undertaken by the Complaints, Concerns and Compliments Team to triangulate information and intelligence from concerns, feedback or complaints with quality and safety data.

Information and intelligence from concerns, feedback or complaints will be referenced in the CCG's Annual Report

9. REVIEW

This policy will be reviewed every two years, although revisions may be made sooner if legislation, guidance or other linked operating processes change.

10. FURTHER READING

Statutory Legislation and Regulations

- Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

- Health and Social Care Act 2012

- Care Quality Regulation 16: Receiving and acting on complaints
  http://www.cqc.org.uk/guidance-providers/regulations-enforcement/regulation-16-receiving-acting-complaints

NHS Guidance Documents

- The NHS Constitution for England

- NHS Choices – How do I make a complaint about an NHS service?
Health Service Ombudsman Guidance

- PHSO – Principles of Good Complaint Handling

- PHSO – Principles of Good Administration

- PHSO – Principles for Remedy
  https://www.ombudsman.org.uk/sites/default/files/page/Principles%20for%20Remedy.pdf
### 11. APPENDIX A – PALS AND COMPLAINTS PROCESSES

#### Stage 1 – New Complaint Received

1. Concerns, feedback or complaints may be received as a written letter (post), email, fax and verbally (normally by telephone):
   - **Written letter** – May be received direct to the Complaints, Concerns or Compliments Team or forwarded to us via the CCG Chief Officer’s team
   - **Email** – May be received direct to the CCG Complaints mailbox ([complaints.nhseasterncheshireccg@nhs.net](mailto:complaints.nhseasterncheshireccg@nhs.net)), PALs inbox ([pals.nhseasterncheshireccg@nhs.net](mailto:pals.nhseasterncheshireccg@nhs.net)), General Enquiries inbox ([ECCCGeneralEnquiries@nhs.net](mailto:ECCCGeneralEnquiries@nhs.net)) or forwarded by other departments/organisations
   - **Verbal** – Concerns, feedback or complaints may be raised verbally via the PALs team in the first instance on 01625 663477. A member of the Complaints, Concerns or Compliments Team will use the Telephone Transcript to record the details and discuss the nature of the complaint with the patient/their representative

2. Once the concern, feedback or complaint has been received, the Complaints, Concerns and Compliments Team will review the complaint details to understand if the concern can be dealt with as under PALS (can the concern/issue be resolved within 24 hours?)
   - **If PALS** – The handler should liaise with the enquirer and resolve the issue to the complainant’s satisfaction within 24 hours or an alternative suitable timescale agreed between the enquirer and the CCG. Details of all actions taken should be recorded on both DATIX and within the restricted shared drive only available to the Complaints, Concerns and Compliments Team.

3. The complaint will then be allocated to a case handler who will discuss issues/concerns with Governance Manager to ensure appropriate complaints management activities are followed.

4. An acknowledgement of the complaint will be sent within 3 working days of receiving the complaint and will include:
   1. A summary of what the CCG understand to be the points of complaint that the investigation will address, which the complainant will be asked to confirm are accurate or suggest any changes that may be required
   2. Details of who the Case Handler will be for the complaint
   3. A Consent Form for completion with an accompanying free post envelope
   4. An optional Equality and Diversity Questionnaire
   5. The NHS ‘How do I give feedback or make a complaint about an NHS service?’

   This will normally be sent by post although email correspondence can occur if this is the complainant’s preference

5. When completed consent is received by this date, the form should be scanned into DATIX and an acknowledgement letter sent confirming the date by which the investigation will be completed before moving to stage 2.

   If consent is not received within fourteen days, the case handler will send a consent chaser letter which asks for the consent form to be provided within a further 14 calendar days.
If consent is not received by this date, the Case Handler will send a letter to the complainant notifying them of the complaint closure due to the absence of consent. The letter will however advise that the investigation can be reopened if consent is provided at a later date.

**Stage 2 - Investigation**

2.1 The Case Handler will identify which organisations or departments will need to investigate and provide information to answer the points of complaint. The organisations and departments will then be asked to investigate and provide the CCG with the outcome of their investigations within 20 working days. If the complaint is complex or requires multidisciplinary investigation, a longer deadline may be required.

2.2 If a response is not provided within the agreed deadline, the Case Handler will chase the relevant organisation and department.
   If the organisation and department require further time which means the original deadline agreed with the complainant is unlikely to be reached, the Case Handler will contact the complainant to apologise, explain the reasons and provide a new timescale.
   All contact with the provider and complainant in addition to deadline reminders should be recorded in DATIX.

2.4 The Complaints, Concerns and Compliments Team receive the investigation report which is carefully checked for completeness and that all issues/concerns are answered fully. If there are concerns about the investigation report, the team will return to the organisation or department for further input. The complainant should be informed if an incomplete response will impact on our planned timescale for response.

**Stage 3 – Analyse and Draft**

3.1 When the Complaints, Concerns and Compliments Team are satisfied with the investigation report, a draft response will be prepared to be signed out by a Senior Executive at the CCG.
   The handler should ensure the draft includes all necessary information provided by the investigator. A thorough quality check to ensure names, dates and times are accurate in addition to spelling and grammar being correct and clear. Each response will be peer reviewed before being passed to the Senior Executive.

3.2 The draft response will be passed to Senior Executive at the CCG for sign out, with amendments or further enquiries completed.

**Stage 4 - Respond and Implement**

4.1 If approved by the Senior Executive at the CCG, the signed response (and enclosures) should be scanned and saved to DATIX. The DATIX file should then be set to closed.
   An anonymised copy of the final response letter should also be saved in the relevant Complaints and Concerns Group meeting month so that it can be included in the agenda.
   Appropriate monitoring will be agreed and implemented to oversee any actions or learning that will be implemented from the complaint.

4.2 If further communication is received from complainant go to 3.4.
4.3 The further communication will be reviewed to determine if further action can be taken to resolve locally e.g. meet with complainant or re-investigate. This is known as local resolution, although does not prevent the complainant from contacting the Parliamentary and Health Service Ombudsman so they should be advised of this at that time.

4.4 If complainant remains unhappy following exhaustion of the local resolution process then advise complainant of rights to engage with Parliamentary Health Service Ombudsman (PHSO).