

# Complaints Policy



## 1.0 Policy aim

1.1 Health & Her is committed to high quality service and care. This document outlines our commitment to dealing with complaints about the service provided by Health & Her. It also provides information about how we manage, respond to and learn from complaints made about our services.

## 2.0 Policy statement

2.1 Health & Her will treat complaints seriously and ensure that complaints, concerns and issues raised by clients or third parties engaged with Health & Her are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant.

## 3.0 Scope

3.1 This policy applies to the handling of complaints or concerns relating to services provided by Health & Her. This policy applies to all Health & Her staff, including those engaged to provide services on our behalf.

## 4.0 Guiding principles

4.1 The guiding principles behind this policy are that a complainant needs to:

- Know how to complain.
- Feel confident that their complaint will be dealt with seriously.
- Understand that their concerns will be investigated and they will be informed of the findings of that investigation.
- Trust that Health & Her will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing best practice.

4.2 Health & Her will try to deal with a complaint straight away. We will try to resolve the problem quickly and in an informal way.

4.3 When dealing with complaints we aim to adhere to the following principles:

- Openness and Transparency - well publicised, accessible information and processes understood by all those involved in a complaint.

- Evidence based complainant led investigations and responses. This will include providing a consistent approach to the management and investigation of complaints.
- Logical and rational in our approach.
- Sympathetically respond to complaints and concerns in appropriate timeframes.
- Provide opportunities for people to offer feedback on the quality of service provided.
- Provide complainants with support and guidance throughout the complaints process.
- Provide a level of detail appropriate to the seriousness of the complaint.
- Identify the causes of complaints and to take action to prevent recurrences.
- Effective and implemented learning - use 'lessons learnt' as a driver for change and improvement.
- Ensure that the care of complainants is not adversely affected as a result of making a complaint.
- Ensure that Health & Her meets its legal obligations.
- Act as a key tool in ensuring the good reputation of Health & Her.

#### 4.4 We respect the clients' rights to:

- Have their complaint acknowledged and properly investigated.
- Discuss the manner in which the complaint is to be handled and know the period in which the complaint response is likely to be sent.
- To be kept informed of the progress and to know the outcome including an explanation of the conclusions and confirmation that any action needed has been taken on.
- Take a complaint about data protection breaches to the independent Information Commissioners Office (ICO) if not satisfied with the way Health & Her has dealt with this.

## 5.0 Definition of a complaint or concern

5.1 A complaint or concern is an expression of dissatisfaction about an act, omission or decision of Health & Her, either verbal or written, and whether justified or not, which requires a response.

## 6.0 How to complain

6.1 Information about giving feedback or making a complaint can be found on Health & Her's website.

A complaint can be made:

By telephone: 0333 305 5903

By email: [complaints@healthandher.com](mailto:complaints@healthandher.com)

By post: Brunel House, 2 Fitzalan Road, Cardiff, CF34 0EB.

6.2 We will endeavour to make the necessary reasonable adjustments in order to receive, investigate and respond to any complaint. We can also accept and respond to complaints in alternative formats such as braille.

6.3 Should the client feel that the complaint has not been resolved Health & Her will advise them of their right to escalate to Health Inspectorate Wales providing the necessary contact details.

## **7.0 Timescales for making a complaint**

7.1 Complaints must be made not later than:

- Twelve months after the date on which the matter, which is the subject of the complaint occurred, or
- Twelve months after the date on which the matter which is the subject of the complaint came to the notice of the complainant.

7.2 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, Health & Her may decide to still consider the complaint, for example, longer periods of complaint timescales may apply to specific clinical areas.

## **8.0 The Health & Her complaint process**

8.1 All complaints will be acknowledged no later than three working days after the day the complaint is received (the acknowledgement will usually be in writing but can be verbally in some circumstances although this should be the exception rather than the norm). An offer should be made to discuss with the complainant the following:

- The handling of the complaint (including whether it can be resolved 'informally', usually within 5 working days).
- Timescales for responding.
- Expectations and desired outcome if unclear.

8.2 If the complaint has been made verbally, the complainant should be given a copy of their verbal statement which is considered the formal complaint and asked to confirm that it represents the issues they wish to raise.

8.3 The complainant should be given a named contact/their contact details who will be their point of contact throughout the complaints process.

8.4 The complainant can expect to:

- Be kept up to date with the progress of their complaint. If a case has passed the 10 working day target (or the timescale agreed with the complainant if different), the complainant (and advocate if relevant) should receive every 10 working days thereafter the target has been surpassed. This could be by telephone, email or letter but the format should be agreed with the complainant.
- Receive a quality response with assurance that action has been taken to prevent a recurrence.
- Be informed of any learning.

8.5 Our response to a complainant will be wherever possible by their preferred method of communication (email correspondence will only be responded to by email when the complainant has expressly requested this as their method of communication and security measures will be implemented in line with office policy to protect personal information sent via email).

8.6 On receipt of the investigation report a response to the complaint will be prepared and the Client Services Advisor will include information on the next stages of the complaint's procedure should the complainant wish to take matters further.

8.7 Where complaints involve more than one body, discussions will take place between the bodies concerned about the most appropriate body to take the lead in coordinating the complaint and communicating with the complainant. Consent will need to be obtained to forward the complaint to any provider.

8.8 As soon as it is reasonably possible after completing the investigation and within the timescale agreed with the complainant, Health & Her will send a formal response in writing to the complainant.

The response will include:

- An explanation of how the complaint has been considered.
- An apology if appropriate.
- An explanation based on facts.
- Whether the complaint in full or in part is upheld.
- The conclusions reached in relation to the complaint including any remedial action that the business considers to be appropriate.
- Confirmation that the business is satisfied any action has been or will be actioned.
- Where possible, we will respond to people about any lessons learnt.
- Information and contact details of the Ombudsman as the next stage of the complaints process.

- 8.9 A key consideration is to make arrangements flexible; treating each case according to its individual nature with a focus on satisfactory outcomes, company-wide learning and those lessons should lead to service improvement.
- 8.10 We are very committed to quality responses and as such, we will be carrying out regular reviews of complaints handling including internal quality monitoring and external peer reviews.
- 8.11 If at any time during the complaint process the complainant or their representative or advocate decides they would like to withdraw the complaint this request can be made either verbally or in writing. The withdrawal of a complaint will be acknowledged in writing.
- 8.12 If the complainant has not been provided with a response after six months from receipt of the complaint (taking into account late provision of consent) we will notify the complainant of their right to go straight to the Health Inspectorate Wales without waiting for local resolution to be completed.

## **9.0 Confidentiality**

- 9.1 Complaints will be handled in the strictest of confidence in accordance with the Health & Her Confidentiality Policy. Client complaints received will be kept separately from client medical records. Care will be taken that information should only be disclosed to those who have a demonstrable need to have access to it.
- 9.2 Suitable arrangements are in place for the handling of client identifiable data to meet the compliance of the Data Protection Act and the Caldicott Principles in health and social care.

## **10.0 Consent**

- 10.1 There is an expectation that when capturing consent for the use and sharing of information, that the client has made an informed decision and clearly understands the processing and potential sharing of their information. Staff must also understand the expectations of confidentiality that the information is provided under.
- 10.2 Information will not be disclosed to third parties unless the complainant or appropriate authorised party who has provided the information has given consent to the disclosure of that information.
- 10.3 Consent should be pursued but if by the 40th working day consent has not been received the complaint should be closed and categorised as a concern.

## **11.0 Exceptions to the policy**

- 11.1 There may be circumstances in which information disclosure is in the best interests of the client, or the protection, safety or wellbeing of a vulnerable person. In these circumstances, a complaint will be escalated as necessary in line with Health & Her's Safeguarding policies and procedures.

## **12.0 Role of the Ombudsman**

12.1 If a complainant remains dissatisfied with the handling of the complaint, they can ask the Ombudsman to review the case.

12.2 Health Inspectorate Wales may investigate a complaint where, for example:

- A complainant is not satisfied with the result of the investigation undertaken by Health & Her.
- The complainant is not happy with the response from Health & Her and does not feel that their concerns have been resolved.
- Health & Her has decided not to investigate a complaint on the grounds that it was not made within the required time limit.

12.3 Health & Her will provide information on how to contact the Ombudsman when issuing the formal written response.

12.3 Health & Her will ensure that on all communication, including the client guide, that the following address and contact details for HIW are detailed. This is in line with Regulation 24 of the Independent Health Care Wales (2011).

Health Inspectorate Wales  
Welsh Government  
Rhydycar Business Park  
Merthyr Tydfil CF48 1UZ

Telephone: 0300 062 8163

12.5 When informed that a complainant has approached Health Inspectorate Wales, Health & Her will cooperate fully and provide all information that has been requested in relation with the complaint investigation.

## **13.0 Record keeping**

13.1 Keeping clear and accurate records of complaints is important and these will be retained at Health & Her for a period of ten years.

## **14.0 Monitoring and reporting**

14.1 Health & Her will demonstrate how we use feedback to learn and improve. An annual report will be produced for the Health & Her Board, which will detail:

- Numbers of complaints received.
- Numbers of complaints received considered to be based on solid evidence or good reasons (complaints upheld).
- Issues and key themes that the complaints have raised.
- Lessons learnt.

- Actions taken, or being taken, to improve services as a result of the complaints made.
- Number of cases which are being considered or referred to the Health Inspectorate Wales (if applicable).
- Include reporting on praise and other feedback and how that information has been shared.

## **15.0 Safeguarding**

15.1 Safeguarding is a key element of complaints management and review. It may be necessary to identify if any of the following elements are evident in the information/complaint:

- Safeguarding concerns to the person, to include their ability to manage with daily living.
- Safeguarding concerns regarding the adequacy of care/support being provided to the person.
- Safeguarding concerns regarding the behaviour of a professional to a client.
- Safeguarding concern regarding the behaviour of the person/complainant to professional staff.
- The complaint handler will have a DBS check as part of their recruitment process. Complaints staff at Health & Her are all aware of the Safeguarding Policy.

## **16.0 The safety of complaints staff**

16.1 The majority of contact with our complainants is via telephone, email or white mail. However, there may be either planned or unscheduled meetings face to face with complainants and appropriate measures need to be in place to support staff in engagement with complainants.

16.2 Whilst the complainant may wish to discuss a confidential matter it is essential that, based upon the knowledge of the complainant, the complaints staff make a considered decision about where they speak to the complainant. In these circumstances, complaints staff should not meet the complainant alone and if possible should be accompanied by a colleague with clinical experience.

16.3 If the decision is taken that the complainant does not pose a threat to staff safety, complaints staff should again not meet with the complainant alone. Good practice would suggest that the complaints staff advise other colleagues of where they are meeting with the complainant and to request that they check on them at regular points. A documented record of the discussion which takes place should be made by one of the staff in attendance.

16.4 Within the complaints process there is scope for a planned local resolution meeting.

## **17.0 Equality impact assessment**

17.1 Throughout the development of the policies and processes cited in this document, we have given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited in under the Equality Act 2010) and those who do not share it.