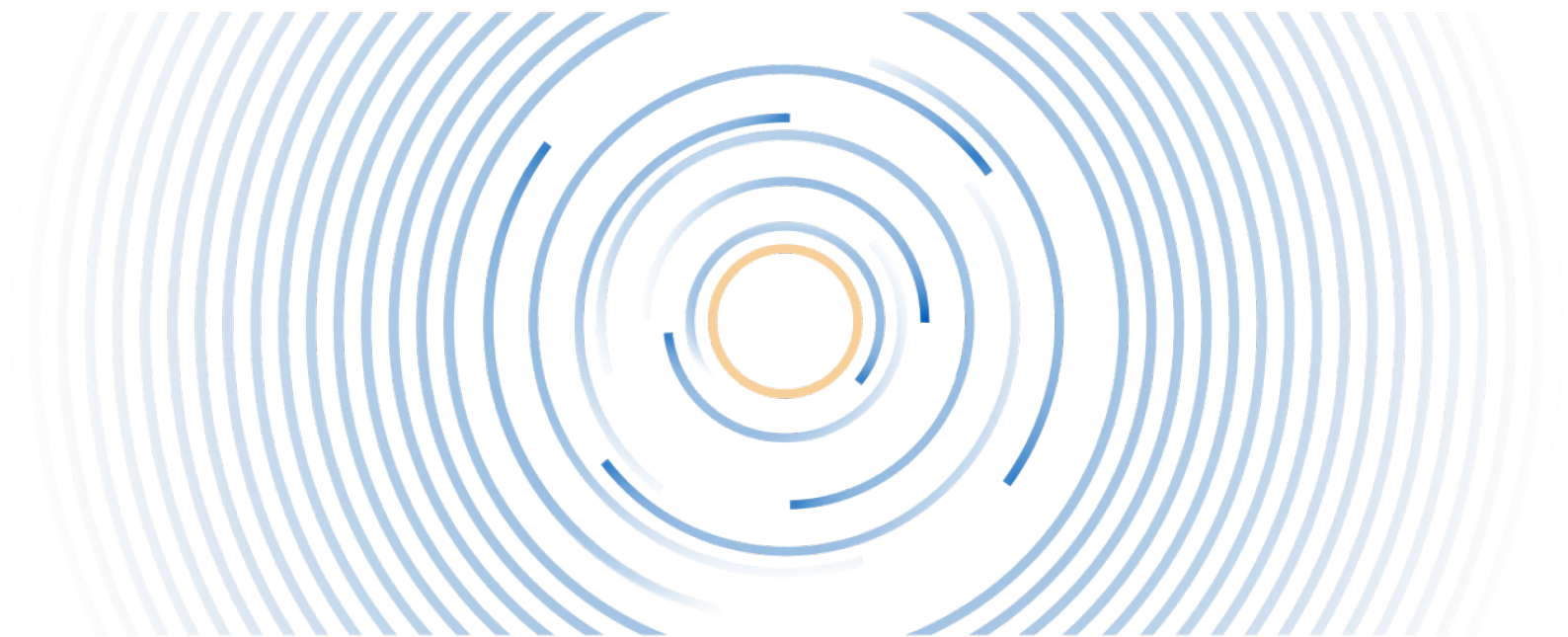


NHS Protect complaints policy

August 2017

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Version	Name	Date	Comment
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Table of Contents

1	Introduction	4
2	What is a complaint?.....	4
3	Scope	4
4	NHS Protect complaint timelines.....	5
4.1	Local Resolution (or informal complaints)	5
4.2	Written Complaint, including e-mail	5
4.3	Formal Complaint made Verbally	5
4.4	Investigation	6
4.5	Response	6
4.6	Vexatious complainants.....	6
5	Escalation of formal complaints.....	6
6	Monitoring and reporting	7
7	Record keeping.....	7
8	Organisational governance and compliance.....	7
	Appendix A: NHS Protect complaints guidance for dealing with persistent and unreasonable contact.....	8

1 Introduction

This policy sets out the overarching approach to managing complaints made about NHS Protect.

It should be read by the Board, the Senior Management Team, the Leadership Team and staff who are delegated to manage complaints.

The policy is available for everyone to read on Go2 and the Leadership Team should encourage all staff to become familiar with it.

The Policy is also available to the public on the NHS Protect website.

2 What is a complaint?

The NHS Protect definition of a complaint is: “An expression of dissatisfaction that requires a response”. This includes dissatisfaction about the service provided, including the conduct of staff, or the process involved in deciding what action to take (or not to take).

The following are examples of things that are treated as complaints:

- claims of unfair treatment by NHS Protect
- dissatisfaction about how NHS Protect has dealt with a situation, for example, timeliness, clarity of information, confidentiality
- claims that a poor standard of service has been provided by NHS Protect (for example, losing documents, resulting in time delays and extra effort for the complainant)
- claims that NHS Protect staff have been unhelpful or rude

3 Scope

NHS Protect’s policy is that complaints should be resolved locally, quickly and informally wherever possible. In the event that complaints cannot be locally resolved, this procedure provides a consistent approach to handling formal complaints. The key issues taken into consideration when formulating 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 NHS Protect will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing effective practice.

This policy will support complaints made against most of the services provided by NHS Protect. However, on occasions this policy may not be appropriate. In such circumstances, a complaint should be directed in writing to the BSA's Corporate Secretary.

4 NHS Protect complaint timelines

4.1 Local Resolution (or informal complaints)

In line with the BSA complaints policy complaints should be resolved at the earliest opportunity without escalating to the formal procedure. In most cases, complaints will be managed on an informal basis in the first instance. This is intended to provide the complainant with a quick, amicable and satisfactory resolution. NHS Protect should aim to resolve informal complaints in no longer than 10 working days, other than in exceptional circumstances when the complainant will be kept informed of progress. If it is recognised that an informal complaint cannot be resolved quickly then an acknowledgement (emails should not contain any personal sensitive information) together with a brief summary of the complaint will be issued within 3 working days of receiving the complaint.

4.2 Written Complaint, including e-mail

Formal complaints must be made in writing or e-mailed to: complaints@nhsprotect.gsi.gov.uk and be responded to within 25 working days as stipulated in the BSA complaints handling policy. An acknowledgement to a written complaint will be issued within 3 working days of receipt setting out the expected process for resolution. The complainant will also be notified that a substantive reply will be sent by the relevant Managing Director within 25 working days of receipt of the complaint.

4.3 Formal Complaint made Verbally

- 4.3.1 Where a formal complaint has been made verbally and the complainant needs help preparing a written formal complaint, this process will be supported. An acknowledgement letter together with a summary of the complaint will be issued within 3 working days of receiving the complaint. This will also give the complainant the opportunity to add any further comments or information they consider to be relevant within 7 working days of receiving the summary of the complaint.
- 4.3.2 If no response is received within 7 working days, it should be made clear that NHS Protect will consider the complaint summary to be accurate. NHS Protect will also offer the complainant an opportunity to discuss and clarify the complaint if such support is required.

4.4 Investigation

An investigation will be carried out by a member of staff independent of the issue. A draft report and response will be prepared for the Managing Director.

4.5 Response

The Managing Director will review the draft response and the way in which the complaint has been handled and a written response to the complainant will be made within 25 working days of receipt of the complaint. The response will address the issues raised and notify the complainant of the review process should they remain dissatisfied.

If it is not possible to provide a response within 25 working days, the complainant will be informed of the reason for the delay as soon as possible (but no later than 25 working days) and a revised response date will be set.

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.

4.6 Vexatious complainants

Advice for helping to identify where there is unreasonable/and or inappropriate conduct from a complainant can be found in the 'NHS Protect complaints guidance for dealing with persistent and unreasonable contact' guidance in appendix A at the end of this document.

5 Escalation of formal complaints

Formal Complaint – Stage 1

Where attempts at local resolution have been exhausted, complainants have the option to make a formal complaint, which the Managing Director will seek to resolve within 25 working days.

Formal Complaint – Stage 2

Stage 2 complaints are reviewed directly by the Department of Health Anti Fraud Unit within 15 working days.

Formal Complaint – Stage 3

When a complainant remains dissatisfied following the Managing Director's response they can choose to escalate the complaint to the Parliamentary and Health Service Ombudsman

6 Monitoring and reporting

The Senior Compliance and Complaints Officer will provide a monthly spreadsheet to the BSA Complaints team on the deadlines they provide detailing:

- a. numbers of complaints received
- b. numbers of complaints received considered to be based on solid evidence or good reasons (complaints upheld)
- c. issues and key themes that the complaints have raised
- d. lessons learnt
- e. actions taken, or being taken, to improve services as a result of the complaints made
- f. number of cases which NHS Protect has been advised are being considered or referred to the Parliamentary and Health Service Ombudsman
- g. include reporting on praise and other feedback and how that information has been shared

The NHS Protect Leadership Team will be copied into these monthly spreadsheets to identify any areas where feedback can be used to learn and improve services across the organisation.

7 Record keeping

A record of complaints will be kept for period of 8 years in accordance with the organisation's records management policy.

8 Organisational governance and compliance

NHS Protect will monitor both the effectiveness of the complaints process, and how complaints information is being used to improve internal processes. This helps:

- Disseminate key lessons from complaints across the relevant parts of the organisation to contribute towards service planning and improvement
- Use complaints procedures as a measure of performance and quality of service

This policy will be reviewed no less than annually.

Appendix A: NHS Protect complaints guidance for dealing with persistent and unreasonable contact

1. Introduction

This document is intended as a guide after appropriate measures have been taken to attempt to resolve a complaint within the NHS Protect Complaints Policy, ensuring a fair approach is followed.

2. Purpose of the guidance

To help identify where there is unreasonable and/or inappropriate conduct from a complainant and setting out the action to be taken.

3. Definition of persistent and unreasonable complainants

Although every instance may be different, examples may include those who:

- Change the nature of a complaint or unnecessarily/maliciously prolong contact by continually raising further issues in relation to the original complaint. If there are new facts to be addressed these may need to be considered separately.
- Do not clearly highlight the exact issues they wish to be investigated, despite reasonable efforts by staff to seek clarity.
- Harass, threaten, or use verbal (or written) abuse to cause harm or distress to staff.
- Send excessive amounts of correspondence, emails or make excessive telephone calls to staff that are disproportionate to the matter in hand. Discretion must be exercised in deciding how many contacts are required to qualify as excessive, using judgement based on the specific circumstances of each individual case.
- Persist in pursuing a complaint when the procedures have been fully and properly implemented and the complainant has been informed of this.
- Repeatedly focus on conspiracy theories and/or will not accept documented evidence as being factual.

4. Process for managing unreasonable or persistent behaviour

Where there is behaviour as described above in section 3, the follow actions can be taken:

- If the complaints lead believes a complaint is vexatious this will be reviewed independently by a manager.
- The status of the complaint will be checked and the complainant made aware accordingly.
- Repeated abusive, persistent or unreasonable contact will be terminated with no acknowledgement.

5. Record keeping

Records/evidence will be logged as per the Business Services Authority (BSA) complaints policy of any unreasonable and persistent contact, including any action to be taken.

NHS Protect will consider taking further action if appropriate, such as reporting the matter to the police or taking legal action.