

## **NHS and Social Care Complaints Procedures from April 1st 2009**

### **Action points**

- Start this new procedure on 1st April 2009
- appoint a complaints manager and a GP partner as a "responsible person"
- Publish the complaints procedure in the practice
- record all oral complaints
- acknowledge receipt of all complaints in 3 working days
- the handling of complaints isn't too different but there is explicit guidance on timescales and informing the complainant and communication with the complainant
- monitor and record all complaints
- produce an annual report (1st due end of March 2010)

On 1 April the Care Quality Commission comes into being, bringing together the responsibilities of the Commission for Social Care Inspection, the Mental Health Act Commission and the Healthcare Commission. The independent review function of the Healthcare Commission will be assumed by the Parliamentary Commissioner for Health (the Ombudsman). The new complaints process involves the whole of the NHS and Social Care.

**NB: any complaints currently in the system should continue to be dealt with through the current practice based complaints procedures.**

There will be two stages of complaints handling

- local resolution at practice/PCT level
- referral to the Ombudsman.

People wishing to complain may choose to make their complaint orally, in writing or electronically to the PCT rather than the practice. They may make their complaints within 12 months of an incident happening or of becoming aware of the problem.

This 12 month limit does not apply if the responsible body is satisfied that;

- there were good reasons for not making the complaint within that time limit
- despite the delay, it is still possible to investigate matters effectively & fairly.

Complaints made orally and resolved to the complainant's satisfaction not later than the next working day are not included in these new regulations

- Under the new Regulations, practices as "responsible bodies" must make proper arrangements for the handling and consideration of complaints.
- A 'responsible person' (a partner in a GP practice) must be appointed to be responsible
- A complaints manager must be appointed to be responsible for managing the complaints procedure.
- Publicise its complaints procedures and help complainants to follow the procedure, or provide advice on where they may obtain such assistance
- co-operate with complaints being considered by more than one responsible body and make provision for disclosure and co-operation, with the patient's prior consent
- agree which of two or more responsible bodies will coordinate the handling of the complaint and any communications with the complainant within three working days acknowledge receipt of any complaint either orally or in writing and offer to discuss the matter
- include in the discussion with the patient how the complaint will be handled and the likely period for completion of the investigation and responding to the complainant. (If the complainant does not accept the offer of a discussion the responsible body must determine a specified response period and notify the complainant in writing of that period.)

- accept a request from the PCT to handle a complaint received by them and send an acknowledgement to the complainant within three working days
- record all oral complaints in writing and provide a copy of the written record for the complainant.
- investigate complaints appropriately and deal efficiently and speedily with all complaints
- keep the complainant informed as far as reasonably practicable of the progress of the investigation
- send the complainant a written response as soon as reasonably practicable after completing the investigation. (This response may be electronic if the complainant has consented in writing or electronically and has not withdrawn that consent.) This response must be signed by the 'responsible person' and include a report containing the following matters
  - an explanation of how the complaint has been considered
  - the conclusions reached, including any matters for which the complaint specifies, or the responsible body considers, that remedial action is needed
  - confirmation that the responsible body is satisfied that action needed in consequence of the complaint has been, or is proposed, to be taken
  - details of the complainant's right to take their complaint to the Health Service Commissioner under the 1993 Act.
- monitor and record
  - each complaint
  - the subject matter and outcome of each complaint
  - the fact that the complainant was notified of the response period specified, any amendment of that period and whether a report was sent to the complainant within that period
- produce an annual report as soon as practicable after the 31st March for the preceding 12 months including
  - number of complaints received
  - number of complaints that were shown to be well founded
  - the number of complaints that the practice has been informed have been passed to the Ombudsman
  - a summary of the subject matter of complaints
  - any matters of general importance arising
  - way in which complaints were handled
  - the issues they raise, and any matters where action has been taken or is to be taken to improve services as a consequence of those complaints.
  - this report to be sent to PCT and produced for any person on request

### **Further Information**

Listening, responding, improving: a guide to better customer care

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_095408](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_095408).

SI 2009 No. 309 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

[http://www.opsi.gov.uk/si/si2009/pdf/uksi\\_20090309\\_en.pdf](http://www.opsi.gov.uk/si/si2009/pdf/uksi_20090309_en.pdf)

BBOLMC is thankful to Wessex LMC for permission to use their text