



Policy Name	Complaints Policy
Policy Purpose	Policy to describe approach the organisation takes to dealing with complaints
Created by	Operations Manager
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Current Status	Live
Next Review Date	July 2024

BANES ENHANCED MEDICAL SERVICES+ COMPLAINTS POLICY

Whilst BEMS would like to think that it offers a service which would never give rise to complaints, reality suggests that they will arise from time to time. The approach BEMS will take on such occasions is to treat each complaint as an opportunity to review operations and seek to improve services further. The processes outlined below comply with the NHS (Complaints) Regulations 1st April 2009.

1. GENERAL PRINCIPLES

BEMS will

- Accept oral or written complaints and handle them in the strictest confidence.
- Aim for a speedy, efficient resolution of complaints at a local level whenever possible.
- Treat all complainants courteously and sympathetically.
- Aim to be fair and even-handed to complainants and staff.
- Be open, fair, flexible and conciliatory in approach, encouraging open communication on all sides.
- Offer an apology for distress caused wherever appropriate (recognising that this does not of itself imply liability or guilt).
- Designate a Complaints Manager to handle all complaints.
- Publish information pertaining to this policy to patients so that they are aware of their right to complain and the process to be followed.

2. THE PROCESS

Who can complain?

- A patient
- A relative or carer where the patient themselves is (1) a child or (2) is unable by reason of physical or mental capacity to complain themselves or (3) has given written consent for the relative or carer to act on their behalf or (4) has died.
- An advocate who meets one of the conditions outlined above.

Where a third party is complaining on behalf of a patient but without their written consent, the Complaints Manager and Chief Executive should first of all seek written consent from the patient, and only if that is not forthcoming or possible should they satisfy themselves that he/she has sufficient interest in the patient's welfare and is a suitable person to act on the patient's behalf. This will have to take into account the need to respect patient confidentiality.

The scope of complaints

A complaint will usually arise, and be considered, where someone expresses concern or dissatisfaction in relation to an aspect of BEMS service. This may include:-

- Something which is against the wishes of the patient.
- The way treatment, service or care has been provided.

- Alleged discrimination against a patient on the grounds of disability, sex, age, race, sexual orientation or faith.
- How an aspect of the service is managed.
- Lack of a particular service.

Serious disclosures

If a person discloses or alleges physical or sexual abuse or financial misconduct, it must be reported at once even if they do not want to make a complaint. Only the staff/GP and manager immediately involved must know the content of the case in order to protect confidentiality and any unauthorised disclosure to others would result in disciplinary action. See also Safeguarding Adults and Children Policies if the serious disclosure relates to these issues.

Complaints outside the scope of this policy

Action will not be taken in accordance with the processes outlined below where:-

- The complainant explicitly indicates an intention to take legal action. (Even if the first communication is via a solicitor's letter, however, it should not be inferred that the complainant will take legal action. An open and sympathetic approach may satisfy the complainant).
- Where the complainant is seeking disciplinary action against a member of staff. This protocol is concerned with resolving complaints and disciplinary matters will be dealt with elsewhere.
- The complaint requires investigation by a professional and/or disciplinary body.
- The complaint requires investigation of a potential criminal offence.
- The complaint is not about BEMS itself but another organisation e.g. RUH, commissioner; Ambulance Trust. In this instance the complainant will be directed to that organisation's Complaints Manager

Time limits for making complaints

A complaint should be made as soon as possible after the event giving rise to it. It will be considered when it is received:-

Within 12 months of the event giving rise to it.

Within 12 months of the complainant becoming aware of the problem.

The Complaints Manager and Clinical Governance Director may choose to consider a complaint outside these limits when, having regard to circumstances, they are satisfied that the complainant had good cause for not acting sooner AND they consider that it is still possible to investigate effectively and efficiently given the time lapse.

Acknowledging a complaint

All complaints will be acknowledged within 3 working days of receipt and processed under the complaints procedure as detailed below. Where a complaint was made orally, the acknowledgement will be accompanied by a written record of the complaint made by front line staff at the time (Appendix 1: Record of verbal / Informal complaint) with an invitation for the complainant to sign and return it as an accurate record. However if the Verbal complaint is dealt with within 24 hours of receipt of the

complaint is does not need to be recorded on the system as a complaint. It will be recorded as feedback.

Acknowledgements will include:-

- BEMS has a duty to investigate a complaint in a manner appropriate to resolve it speedily and efficiently. BEMS will discuss a timescale with the complainant and agree an appropriate date by which BEMS will respond. This is usually within 25 working days to allow a thorough investigation to be carried out.
- Further information about the complaints process and the complainants rights to access advocacy services, with the relevant contact details. (Appendix 2: Patients' Leaflet).

A copy of the complaint and acknowledgement will be sent to any person identified as the subject of the complaint along with information outlining what will happen next and what support is available. (Appendix 3)

Investigation

The Complaints Manager will initiate an investigation themselves if the complaint concerns processes, premises or personnel. They will involve the Chief Executive in due course. Where the complaint is of a clinical nature they will hand over to the Clinical Governance Director straight away.

Investigations will not be conducted in an adversarial manner but, rather, will seek to be open, fair and consistent. Records will be kept in a designated case file of information gathered and considered and noted on the Incident Reporting spreadsheet.

The Complaints Manager may invite the complainant to participate in conciliation or arbitration at any early stage if this is thought to be appropriate.

The subject (s) of a complaint will be fully apprised of the reason for an investigation, given every opportunity to talk to the investigating officer and kept up-to-date on progress.

Response

The Complaints Manager will send a written response to the complainant within the timescale agreed with the complainant. If there are any delays, arising for instance from the absence on leave of one of the parties, the complainant will be told as soon as this is identified and given an amended time scale for response.

The responses following investigation will be signed by the Operations Manager or Clinical Governance Directory wherever possible, will be conciliatory in tone and include appropriate apologies. They will

- Be clear, accurate, balanced and simple
- Avoid technical terms or explaining them simply where they are used
- Addressing ALL the points raised by the complaint
- Describe an outcome or explanation of planned action where investigation has shown that something should have been done differently
- Highlight the complainant's right to take their complaint to the Parliamentary and Health Service Ombudsman and provide details on the process to be followed
- Advise the complainant what to do if they disagree with the response or need further explanation

If disciplinary action is taken as a result of the investigation the complainant will not be told, but will rather be informed that appropriate action has been taken to address the problem. This approach will safeguard the confidentiality of personnel.

Responses will be emailed if appropriate and agreed with complainant, or sent by first class mail and marked "Personal and confidential".

A copy of the response will be sent to all parties involved and named in the complaint. Where the matters concerned have been of a serious nature, debriefing of staff will be arranged.

3. SHARING INFORMATION WITH STAFF WORKING IN THE SERVICE

The Complaints Manager will share information with staff working in the service as appropriate and will ensure that any necessary changes to protocols and procedures are fully explained, implemented and monitored. This will be as part of the Incident Reporting process contained within the Incident Reporting policy.

4. MONITORING OF COMPLAINTS

A summary of complaints and lessons learnt are shared with the Management Executive Committee on a monthly basis and any resultant actions agreed. The BEMS Clinical Governance Director reviews complaints to see if the same member of staff is involved and whether there any training needs identified as part of the learning. The BEMS Clinical Governance Director also reviews the complaints on an annual basis in preparation for the BEMS Members Annual General Meeting where trends and lessons learnt are shared.

5. REVIEW

This policy is reviewed on an annual basis by the Complaints Manager.

APPENDIX 1

RECORD OF A VERBAL / INFORMAL COMPLAINT

Staff receiving such a complaint should complete the sections below and forward to the Complaints Manager for further action.

Name of Complainant	
Address	
Tel no.	
Name of patient if not complaint	
Relationship to complainant	
Message taken by	
Date and time	
Summary of complaint	
What would the complainant like to happen next and in what timeframe?	
Action taken at the time. If none, why not?	
Any other information e.g. if the complaint has not been resolved has a leaflet been given, the review procedure explained?	

N.B. If the complainant is not the patient, the patient's written permission is required (if they are able to give it) before responding to a complaint. This should be attached to this form.

APPENDIX 2 / PATIENTS' LEAFLET

BANES ENHANCED MEDICAL SERVICES+

Making a complaint

We operate a Complaints Procedure in line with NHS Regulations. If you are unhappy with our service please tell our staff and they will do their best to resolve your problem straight away. If you prefer not to do this, please write to the Complaints Manager.

BEMS HQ
13a Church Farm Business Park
Corston
Bath BA2 9AP

Telephone: 01225 560805

If you are unable to make a complaint yourself a close relative or friend may complain on your behalf but we need your written permission to proceed with an investigation.

Time limits

You should normally complain within 12 months of the event(s) concerned or within 12 months of becoming aware that you have an issue to be addressed. We will exercise discretion as to whether we can / will investigate matters outside this time limit. An acknowledgement will be given within 3 days.

Confidentiality

Any personal data or information collected and held in the process of an investigation will be treated in strictest confidence. It will only be made available to people involved in the investigation of your complaint.

If you are not happy with our response

If after receiving our response you are not satisfied, it may be helpful to discuss this with the BEMS Clinical Governance Director.

BEMS HQ
13a Church Farm Business Park
Corston
Bath BA2 9AP

Telephone: 01225 560805

Getting further help and advice

The Patient Advice and Liaison Service (PALS) can guide you through the various services that are able to help you.

Tel 0300 561 0250

email: scwcsu.palscomplaints@nhs.net

The Advocacy People independently review NHS complaints and can help you through the process of making a complaint.

Your complaint must be received by them within twelve months of the event(s) concerned or within 12 months of becoming aware that you have an issue to be addressed.

Tel: 0330 440 9000 e-mail: info@theadvocacypeople.org.uk

Access further information on the role is via their website:

<https://www.theadvocacypeople.org.uk>

Care Quality Commission (CQC) to inform the Commission of concerns about the service

Tel: 0300 0616161 e-mail: enquiries@cqc.org.uk

www.cqc.org.uk

If you remain unhappy after receiving your final response from BEMS you can take your case to the Health Service Ombudsman.

The Ombudsman is completely independent of the NHS and Government. The Ombudsman is not obliged to investigate every complaint and will not usually take on a case that has not been through the NHS complaints procedure and Care Quality Commission or is the subject of legal proceedings.

The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP

Telephone: 0345 015 4033

Web site: www.ombudsman.org.uk

How you can give us your comments or suggestions or make a complaint

BEMS aims to offer the best possible treatment and care to all those who use its service. We welcome your comments and will consider them all seriously.

When things go well

We really appreciate it when you tell us you have had a good experience. Do tell the staff you see at the time or write to the Clinical Governance Director at

BEMS HQ
13a Church Farm Business Park
Corston
Bath BA2 9AP

Telephone: 01225 560805

Or email Bems.adminoffice@nhs.net

Making suggestions

We are constantly seeking to improve our service and are happy to receive all constructive suggestions, either face-to-face, email or in writing as above.

APPENDIX 3

BANES ENHANCED MEDICAL SERVICES +

ADVICE, SUPPORT AND HELP FOR STAFF AND GPs INVOLVED IN A COMPLAINT

What happens if a patient or their representative makes a complaint about you?

Stay calm! We believe that complaints give us all an opportunity to reflect and learn in a very constructive way. Make sure you are familiar with our Complaints Procedure so that you can see how BEMS will need to handle the process.

What will happen?

The Complaints Manager and / or a member of the Management Executive will

- Talk to you and any other members of staff involved to get a clear idea of what happened.
- This will be written down and you will be asked to sign a copy as an accurate record of events.
- You will be kept informed of the process and you can ask for meeting to discuss your situation further at any time.
- BEMS may suggest a meeting with the complainant and could employ a Conciliator to be present.
- You will be shown the response to be sent to the complainant before it is sent and allowed to comment on it.

How long does the process take?

BEMS is required to acknowledge complaints within 3 working days and provide a full response within a timeframe agreed with the complainant. If the latter is not possible because, for instance, someone involved is on leave, both you and the complainant will be told the reason for the delay and given a new date for the response to be ready.

What happens if the complainant is unhappy with the response?

Complainants have the right to ask for an Independent Review by the Parliamentary and Health Service Ombudsman. If this happens you will be kept fully informed.

What support is available to you?

You can talk to the Complaints Manager or any member of the Management Executive at any time about your situation. If you belong to a Trade Union or professional body e.g. AMSPAR, AMICUS, you can contact them as soon as you become aware of the complaint.