

Dealing with Complaints Policy

Aim of this policy

The aim of this policy is to deal with all complainants in ways which are demonstrably consistent, fair and reasonable.

The policy is for the information of staff, volunteers, staff and volunteers in Healthwatch Salford's partner organisations and Healthwatch Board Members, as well as members of the public.

Healthwatch Salford is committed to providing a high-quality service to everyone we deal with. However, we recognise that there may be times when things go wrong. We value all types of feedback about our service and will use complaints to help us to learn and continuously improve our service. This policy tells you how to go about making a complaint about our service and what response you can expect from us.

Contents

Dealing with Complaints Policy	1
1. About Healthwatch Salford	2
2. PART A: What kind of complaint can be considered?	2
3. What kind of complaint can be excluded?	2
4. How to make a complaint	3
5. Making a complaint: Stage 1	3
6. Making a complaint: Stage 2	4
7. PART B: Dealing with abusive, persistent or vexatious complaints and complainants	4
8. Definitions	5
9. Imposing restrictions	5
10. New complaints from complainants who are treated as abusive, vexatious or persistent	5
11. Record keeping	6
12. Review	6
13. Appendix One	6

1. About Healthwatch Salford

Healthwatch Salford is an independent organisation (Company Limited by Guarantee) set up to:

- Provide information about health and care services in Salford.
- Enable people to share their views about Salford's health and social care services to build a picture of where services are doing well and where they can be improved.
- Participate in decision-making via local health and wellbeing boards.
- Provide feedback to organisations responsible for commissioning or delivering Salford's health and social care services.
- Help the Salford Clinical Commissioning Group (Salford CCG) to make sure that services really are designed to meet citizens' needs

Healthwatch Salford aims to provide a quality service at all times. However, if there is an occasion when you feel we have not done this, we would like to hear about it so that we can make improvements to our service.

The following procedure has been set up by Healthwatch Salford to ensure that your complaint is properly heard. You can use this procedure for registering a complaint concerning:

- Healthwatch Salford in general
- Individual Healthwatch Salford directors (including the chair)
- Healthwatch Salford staff

2. PART A: What kind of complaint can be considered?

2.1 A complaint is any report of a negative or unsatisfactory experience an individual or organisation has received from Healthwatch Salford staff or the result of its activities.

2.2 Grounds for complaint include:

- Dissatisfaction with standards of service (for example, the quality of information provided to you, either verbally or in written form, or the manner in which that information was provided).
- Deficiencies in standards of service (which might include problems with accessibility or the reasonable provision of information in appropriate formats).
- Discrimination, harassment, bullying and victimisation
- Other deficiencies in the quality of your experience with Healthwatch Salford.

3. What kind of complaint can be excluded?

3.1 The nature of what we do means that we work in partnership or in association with other organisations, groups and individuals. We cannot respond to complaints about the public involvement work of our delivery partners. We therefore suggest that such complaints be addressed to the organisation, group or individual concerned. Complaints made to Healthwatch Salford about employees need to relate to the actions of staff employed on the Healthwatch Salford contract or others working as representatives on behalf of Healthwatch Salford, such as volunteers.

4. How to make a complaint

4.1 Many concerns can be sorted out by discussing the problem with the Chief Officer or a member of staff, and we would encourage you to try this first by phoning 0330 355 0300. Alternatively you may email the team using the feedback@healthwatchsalford.co.uk address.

If, however, this does not resolve the situation for you, you can make a formal complaint through Healthwatch Salford's complaints procedure as detailed in this document.

5. Making a complaint: Stage 1

5.1 In the first instance, your complaint will be dealt with by Healthwatch Salford's Chief Officer. Therefore, please put your complaint in writing and address it to:

Delana Lawson, Chief Officer Healthwatch Salford The Old Town Hall, 5 Irwell Place, Eccles, M30 0FN Email: manager@healthwatchsalford.co.uk Tel: 0330 355 0300

5.2 It will help us if you can submit your complaint in writing (either by letter or email) with as much detail as possible, including any supporting documents or information. This helps us to understand the complaint more fully and to respond better to it. In addition, if you have any suggestions about how to resolve your complaint, please include them.

5.3 We treat all complaints seriously and you can expect to be treated with courtesy and fairness at all times. We will aim to resolve your complaint as quickly and as helpfully as possible.

5.4 The Healthwatch Salford Chief Officer will acknowledge receipt of your complaint within five working days and you will receive a response within 15 working days of the receipt of your complaint. If for some reason we are unable to respond within 15 working days, we will contact you to explain why.

5.5 The Healthwatch Salford Chief Officer may discuss your complaint with any relevant parties (i.e. people directly involved in the complaint). However, we undertake to maintain full confidentiality beyond this and will not discuss you or your complaint with anyone else outside Healthwatch Salford, without your explicit permission.

5.6 We may need to request further information from you. In such instances, we will do so in writing and you will be required to respond within 15 working days. Failure to respond within this timescale, without notification of the reason for any delay, may result in Healthwatch Salford being unable to resolve the complaint and the matter being considered closed.

5.7 A record will be made on the Complaints Log of how the complaint was resolved. A copy of the log and any correspondence will be kept on file. This constitutes a resolution of the complaint.

5.8 If the complaint is about the Chief Officer this will automatically be elevated to Stage 2 where the Chair will investigate and if necessary, refer to other members of the Healthwatch Salford Board.

6. Making a complaint: Stage 2

6.1 If you are not satisfied with our response at Stage 1, then you can request that the complaint be taken to Stage Two. At Stage 2, your complaint will be reviewed and responded to by the Chair of the Board of Directors. They may choose to review it with other members of the board of Healthwatch Salford.

6.2 You can expect to receive an acknowledgement of your request to proceed to Stage 2 within five working days, and you will receive a response within 20 working days. Once again, if we are unable to do this we shall contact you and let you know the reasons for the delay.

7. PART B: Dealing with abusive, persistent or vexatious complaints and complainants

7.1 Dealing with a complaint using the above process is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for Healthwatch Salford. This can happen either while their complaint is being investigated, or once Healthwatch Salford has finished dealing with the complaint.

7.2 We will take action to protect staff from abusive, persistent or vexatious behaviour. If a complainant behaves in a way that is unreasonably persistent or vexatious, we will follow this policy.

7.3 Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

7.4 Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

7.5 We are committed to dealing with all complaints equitably, comprehensively, and in a timely manner.

7.6 We will not normally limit the contact which complainants have with Healthwatch Salford staff or offices.

7.7 We do not expect staff or volunteers to tolerate unacceptable behaviour by complainants or any person who contacts this office.

Unacceptable behaviour includes behaviour which is abusive, offensive or threatening and may include:

- Using abusive or foul language on the telephone.
- Using abusive or foul language face to face.
- Sending multiple emails.
- Leaving multiple voicemails.

8. Definitions

8.1 We have adopted the Local Government Ombudsman's (LGO) definition of "unreasonable complainant behaviour" and "unreasonable persistent complaints":

For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

8.2 Examples include the way or frequency that complainants raise their complaint with staff, or how complainants respond when informed of our decision about the complaint.

Features of an unreasonably persistent and/or vexatious complainant include the definitions at Appendix One (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category).

9. Imposing restrictions

9.1 We will ensure that the complaint is being, or has been, investigated properly according to the corporate complaints procedure above.

9.2 If the disruptive behaviour continues, the Chief Officer will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact us in future will be restricted. The Chief Officer will make this decision and inform the complainant in writing of what procedures have been put in place and for what period.

9.3 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

10. New complaints from complainants who are treated as abusive, vexatious or persistent

10.1 New complaints from people who have come under this policy will be treated on their merits. The Chief Officer for Healthwatch Salford will decide whether any restrictions which have been applied before are still appropriate and necessary in relation to the new complaint. We do not support a “blanket policy” of ignoring genuine service requests or complaints where they are founded.

10.2 The fact that a complainant is judged to be unreasonably persistent or vexatious, and any restrictions imposed on our contact with him or her, will be recorded and notified to those who need to know within Healthwatch Salford and the Chief Officer and commissioning organisations.

11. Record keeping

11.1 Adequate records will be retained by the appropriate manager of the details of the case and the action that has been taken. The Chief Officer will retain a record of:

- The name and address of each person who is treated as abusive, vexatious or persistent
- When the restriction came into force and ends
- What the restrictions are
- When the person and relevant departments were advised

11.2 The Chair of the Healthwatch Salford Board will be provided with a regular report giving information about customers who have been treated as vexatious/persistent as per this policy.

12. Review

12.1 The status of a complainant judged to be unreasonably persistent or vexatious will be reviewed by the Chief Officer after three months and at the end of every subsequent three months within the period during which the policy is to apply.

12.2 The complainant will be informed of the result of this review if the decision to apply this policy to them has been changed or extended.

If you need a copy of this policy in another format please contact us:

Email: Feedback@healthwatchsalford.co.uk Telephone: 0330 355 0300

This policy is also available to download from www.healthwatchsalford.co.uk

13. Appendix One

An unreasonably persistent and/or vexatious complainant may:

- Have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious).
- Refuse to specify the grounds of a complaint despite offers of assistance.
- Refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure.
- Refuse to accept that issues are not within the power of Healthwatch Salford to investigate, change or influence (e.g. something that is the responsibility of another organisation).
- Insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (insisting, for instance, that there must not be any written record of the complaint).
- Make what appear to be groundless complaints about the staff dealing with the complaints and seek to have them dismissed or replaced.
- Make an unreasonable number of contacts with us, by any means in relation to a specific complaint or complaints.
- Make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to numerous, frequent and/or complex letters, faxes, telephone calls or emails).

- Harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by the use of offensive and racist language.
- Raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process.
- Introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on.
- Change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed.
- Deny statements he or she made at an earlier stage in the complaint process.
- Electronically record meetings and conversations without the prior knowledge and consent of the other person involved.
- Circulate emails intended to be private conversations without the prior knowledge and consent of the other person involved.
- Adopt an excessively 'scattergun' approach, for instance, pursuing the complaint or complaints not only with Healthwatch Salford, but at the same time with a Member of Parliament, other local Healthwatch Organisations, elected Councillors of Salford and other Local Authorities, Healthwatch England and Regulatory bodies such as the Care Quality Commission, without following due process as laid out in this policy.
- Refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given.
- Make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded, and insist that the minor differences
- make these 'new' complaints which should be put through the full complaints procedure.
- Persistently approach Healthwatch Salford through different routes about the same issue.
- Persist in seeking an outcome which we have explained is unrealistic for legal or policy (or other valid) reasons.
- Refuse to accept documented evidence as factual.

- Complain about or challenge an issue based on a historic and irreversible decision or incident.
- Combine some or all of these features.