AIM

To ensure that all patient concerns and complaints are dealt with promptly with due care and consideration, resulting in satisfactory conclusions and improvement in delivery of care where appropriate.

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POLICY

The Berkshire Clinic accepts the rights of patients (and their relatives or representatives, if appropriate) to make complaints and to register comments and concerns about the services received, and further accept that they (the patients) should find it easy to do so. The Berkshire Clinic welcomes complaints and looks upon them as opportunities to learn, adapt, improve and provide better services.

This policy is intended to ensure that complaints are dealt with properly and that all complaints or comments by patients and their relatives, carers and advocates are taken seriously.

The policy is not designed to apportion blame, to consider the possibility of negligence or to provide compensation. It is not part of the company's disciplinary policy.

This policy ensures that a duty of candour is accepted and delivered by all clinicians, support and administrative staff.

The Berkshire Clinic believes that failure to listen to or acknowledge complaints leads to an aggravation of problems, service user dissatisfaction and possible litigation. The Berkshire Clinic supports the idea that most complaints, if dealt with early, openly and honestly, can be sorted at a local level between just the complainant and the company.

Aim of the Complaints Procedure

The Berkshire Clinic aims to ensure that its complaints procedure is properly and effectively implemented, and that patients feel confident that their complaints and worries are listened to and acted upon promptly and fairly.
Specifically, it aims to ensure that:

- Patients and their representatives are aware of how to complain and that The Berkshire Clinic provides easy to use opportunities for them to register their complaints.
- A named person will be responsible for the administration of the procedure.
- Every complaint is acknowledged within 2 working days.
- All complaints are investigated and responded to in writing within 21 days of being made.
- Patients (and their representative, if appropriate) will be updated on the progress of the investigation if the 21 working days cannot be met.
- Complaints are dealt with promptly, fairly and sensitively, with due regard to the upset and worry that they can cause to both service users and staff.

Responsibilities

The registered manager is responsible for following through complaints for the company. All complaints are reviewed at the Clinical Governance Committee meetings.

Complaints Procedure

Verbal complaints

The Berkshire Clinic accepts that all verbal complaints, regardless of perceived importance, must be taken seriously.

Front-line care and administration staff who receive a verbal complaint are expected to seek to solve the problem immediately. If they cannot solve the problem immediately, they should offer to get their line manager to address the problem.

Staff are expected to remain polite, courteous, sympathetic and professional to the complainant. They are taught that there is nothing to be gained by adopting a defensive or aggressive attitude.

At all times in responding to the complaint, staff are encouraged to remain calm and respectful.

Staff should not accept blame, make excuses or blame other staff.

If the complaint is being made on behalf of the patient by a relative or other representative (advocate), it must first be verified that the person has permission to speak for the patient, especially if confidential information is involved. (It is very easy to assume that the advocate has the right or power to act for the service user when they may not). If in doubt, it should be assumed that the patient's explicit permission is needed prior to discussing the complaint with the advocate.

After talking the problem through, the manager or member of staff dealing with the complaint will suggest a course of action to resolve the complaint. If this course of action is acceptable, the member of staff should clarify the agreement with the complainant (advocate) and agree a way in which the results of the complaint will be communicated to the complainant (i.e. through another meeting or by letter) and the patient.

If the suggested plan of action is not acceptable to the complainant or the patient, then the member of staff or manager will ask the complainant to put their complaint in writing to the registered manager. The complainant should be given a copy of the company's complaints procedure if they do not already have one.

Details of all verbal and written complaints must be recorded in the Complaints Register and the patient's file.

Serious or written complaints

Preliminary steps:
When The Berkshire Clinic receives a written complaint, it is passed to the clinic manager who records it in the Complaint Register and sends an acknowledgment e-mail/letter within two working days to the complainant. (If the complaint is received via e-mail, the acknowledgement is returned via e-mail; likewise for paper correspondence.)

The clinic manager also includes a leaflet detailing The Berkshire Clinic's procedure for the complainant.

If necessary, further details are obtained from the complainant; if the complaint is not made by the patient but on the patient's behalf, consent from the patient must be obtained from the complainant, preferably in writing.

If the complaint raises potentially serious matters, advice could be sought from a legal advisor. If legal action is taken at this stage, any investigation by the organisation under the complaints procedure immediately ceases.

*NOTE: Where practicable, verbal communication should be started with the complainant as soon as possible. All verbal communication **must** be recorded in the complaint record.*

Investigation of the complaint by The Berkshire Clinic:
Immediately on receipt of the complaint, the clinic manager will start an investigation and, within 21 working days, should be in a position to provide a full explanation to the complainant, either in writing or by arranging a meeting with the individuals concerned.

If the issues are too complex to complete the investigation within 21 working days, the complainant will be informed of any delays and receive updates on progress at reasonable intervals.

Where the complaint cannot be resolved between the parties, independent external arbitration will be sought by The Berkshire Clinic.

The Clinic Manager will transfer the complaint to the Registered Manager if they feel the investigation and arrival at an outcome has stalled.

Meeting:
If a meeting is arranged, the complainant will be advised that they may bring a friend, relative or other representative (e.g. an advocate), as they wish.

At the meeting, a detailed explanation of the results of the investigation will be given, along with an apology, if deemed appropriate. It should be noted that apologising for what has happened does not equate to an admission of liability.

Such a meeting gives The Berkshire Clinic the opportunity to show the complainant that the matter has been taken seriously and thoroughly investigated.

Follow-up action:
After the meeting (or if the complainant does not want a meeting), a written account of the investigation will be sent to the complainant. This includes details of how to approach the Care Quality Commission if the complainant is not satisfied with the outcome(s).
The outcome(s) of the investigation and the meeting are recorded in the Complaint Book and any shortcomings in company procedures will be identified and acted upon.

As part of quality monitoring and improvement procedures, The Berkshire Clinic Clinical Governance Committee formally reviews all complaints at least every three months to identify lessons learned.

Vexatious Complainers
The Berkshire Clinic takes seriously any comments or complaints regarding its service. However, there are service users who can be treated as vexatious complainers due to the inability of the company to meet the outcomes of the complaints, which are never resolved. Vexatious complainers need to be dealt with by the arbitration service in order to constrain the time required to investigate repeatedly, lessening the burden on the organisation, staff and other service users.

They can share information with CQC but only when they feel it is appropriate. CQC will redirect individual complaints to them, and they will inform CQC about outcomes that point at regulatory failures.

Complaints that involve clinicians or other healthcare professionals

Complaints made about the clinical care delivered at The Berkshire Clinic are treated seriously. The clinic manager will immediately seek advice from the medical director, who will take advice from the GMC and/or the MDU or other indemnity organisation. The clinic manager will work with the medical director to resolve the complaint. (Note: if the complaint is made about the medical director, the manager will share the complaint with another senior clinician).

Complaints that involve children
Complaints involving children are to be treated seriously and investigated with care. If the complaint is of a safeguarding nature, the Safeguarding Lead (Dr Andrew Elkington) must be contacted immediately and will lead the investigation.

Training
The registered manager is responsible for organising and co-ordinating training on the complaints procedure.

All staff receive training in dealing with and responding to verbal and written complaints. The complaints policy and procedures are included in new staff members' induction training. In order to learn from mistakes, staff group meetings and supervisions are used to discuss formal complaint issues, in order that all staff can share and learn from the experiences.

External bodies
As required by the CQC, The Berkshire Clinic will give the contact details of the regulator in the clinic's Complaint Information leaflet. (Note: the CQC will not arbitrate in a complaint but require the provider to make their contact details available to the service user).