

Sussex Complaints Protocol

NHS Trusts, NHS Clinical Commissioning Groups and Social Services Departments

Joint working on complaints

Protocol purpose

Dealing with a wide range of health and social care organisations can be confusing for people. This protocol aims to address this, by bringing together the various organisations to provide a unified, responsive and effective service for complainants.

This protocol provides a framework for collaboration in handling complaints, to ensure:

- a single consistent and agreed contact point for complainants
- regular and effective liaison and communication between complaints managers and complainants, and
- that learning points arising from complaints covering more than one body are identified and addressed by each organisation

The role of the complaints manager

The designated complaints manager in each organisation that signs up to this protocol is responsible for:

- co-ordinating whatever actions are required
- co-operating with other managers and agreeing who will take the lead role in joint complaints
- ensuring that there is someone else to whom any requests for collaboration can be addressed when they are absent

If complaints managers are unable to reach agreement about any matter covered by this protocol, they should refer to directors/senior managers in their organisation for resolution.

Who should be the lead organisation?

Determining which organisation will take the lead role in a joint complaint, will take into account:

- which organisation has the most serious complaints about it
- whether a large number of the issues in the complaint relate to one organisation compared with other organisation(s)
- which organisation originally received the complaint; if the seriousness and number of complaints are about the same for each one
- whether the complaint relates to an integrated service and which organisation manages the service
- the impact on the organisations' governance arrangements

Process

Please see appendix 4 for a flowchart outlining the process for dealing with joint complaints.

The complainant should receive one single, co-ordinated response, within achievable and agreed timescales.

Complaints managers will need to co-operate closely, in agreement with the complainant.

Complaints about one organisation that are addressed to another organisation

On occasions, a complaint that is concerned in its entirety with adult social services or Children's Services is sent to an NHS body, or vice versa.

The complaints manager of the organisation receiving such a complaint should:

- contact the complainant within three working days
- advise them that the complaint has been addressed to the wrong organisation
- ask if they want it to be forwarded to the other organisation on their behalf

Provided that the complainant agrees, the complaint should be sent to the other organisation immediately, and a written acknowledgement should be sent to the complainant, detailing where/to whom the letter has been sent, including the contact details.

Complainant's consent about sharing information between organisations

By law, all organisations have to ensure that information relating to individual service users and patients is protected, in line with the requirements of the

Data Protection Act, Caldicott principles and the confidentiality policies of each signatory organisation.

The complainant and the client/patient (if different from the complainant) must give their consent before information relating to the complaint is passed between organisations. Wherever possible this should be recorded and logged. The complainant is entitled to a full explanation of why their consent is being sought.

If the complainant does not agree to the complaint being passed to the other organisation, the complaints manager of the receiving organisation should:

- seek to resolve any issues or concerns with the complainant about remit and the responsibility
- offer any liaison that could contribute to resolving the matter, and
- remind the complainant of their entitlement to contact the other organisation direct

The only circumstances in which a complainant's lack of consent can be overridden is if the complaint includes information that needs to be passed on in accordance with Safeguarding Children or Adults at Risk procedures or other service users safety issues. In such cases, the complainant is entitled to a full written explanation about the organisation's Duty of Care and its obligation to pass on the information.

See appendix 2 and 3 for an example form that records the consent of complainants for their case records to be disclosed for the purpose of complaints investigations.

Close co-operation between complaints managers is crucial to ensure confidential case file information is shared appropriately, and that the necessary safeguards are put in place.

Information exchanged under this protocol can be used only for the purpose for which it was obtained.

Risk assessment

Each organisation must ensure that:

- a comprehensive risk assessment is undertaken
- they communicate with colleagues in all affected organisations via the complaints services

The individual professional remains accountable within their relevant organisation for the risk assessment information that is disclosed.

Learning from complaints

It is vital to identify communication, procedural, operational or strategic issues within and across each organisation. It may also be necessary to share information with other organisations when serious concerns are raised about a health or social care worker.

Organisations can achieve this using questionnaires to complainants and satisfaction surveys that reflect action taken and improvements in practice following complaints investigations, spanning all organisations.

All complaints services should communicate regularly between organisations and share lessons learnt. These should include any findings and recommendations that have inter-organisational impact.

Appendix 1

Statement of consent for the disclosure of personal records if the complainant is the service user

I,
(name).....of
(address).....
.....
.....
..... hereby give

my consent for the organisations listed below to share any relevant information in order to complete the investigation into my complaint. I understand that this is likely to include disclosure of my personal records.

_____ (Lead organisation)

_____ (Organisation)

_____ (Organisation)

This will assist the investigation of my joint organisation complaint, which is being co-ordinated by:

_____ (Name of complaints manager)

of

_____ (Organisation)

The reason for, and the implications of, this have been explained to me by the above-named complaints manager. I understand that information exchanged as agreed by me must be used solely for the purpose for which it was obtained.

Signed: _____

Date: _____

Once completed, please return this consent form in the freepost envelope provided.

Appendix 2

Statement of consent for the disclosure of personal records if the complainant is a third party

Complainant's name: _____

Complainant's address: _____

Telephone number: _____

I hereby give my consent for the organisations listed below to share any relevant information in order to complete the investigation into my complaint. I understand that this is likely to include disclosure of my personal records.

_____ (Lead organisation)

_____ (Organisation)

_____ (Organisation)

This will assist the investigation of my joint organisation complaint, which is being co-ordinated by:

_____ (Name of complaints manager)

of

_____ (Organisation)

The reason for, and the implications of, this have been explained to me by the above-named complaints manager. I understand that information exchanged as agreed by me must be used solely for the purpose for which it was obtained.

Signed: _____

Date: _____

Once completed, please return this consent form in the freepost envelope provided.

Appendix 4

Flow chart for handling joint organisation complaints

