



# Marston Forest Healthcare

## COMPLAINTS POLICY

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## Complaints Policy

### 1. Introduction

This document outlines our commitment to dealing with complaints about the service provided by Marston Forest Healthcare and the services we commission. It also provides information about how we manage, respond to and learn from complaints made about our services and the way in which they are commissioned.

In doing so, it meets the requirements of the Local Authority Social Services and National Health Service Complaints [England] Regulations (2009), conforms to the NHS Constitution and reflects the recommendations from the Francis report (2013)

Marston Forest Healthcare will treat complaints seriously and ensure that complaints, concerns and issues raised by patients, relatives and carers are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by the investigating organisation.

The key issues taken into consideration when formulating this policy are that a complainant<sup>1</sup> needs to:

- know how to complain;
- feel confident that their complaint will be dealt with seriously.
- understand that their concerns will be investigated and they will be informed of the findings of that investigation.
- trust that Marston Forest Healthcare will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing best practice.

*1 Wherever we refer to a complainant we also mean their authorised representative*

### 2. Aims

We are committed to high quality care for all as a core principal of our vision and purpose. We will ensure that patients and their representatives can seek advice, provide feedback or make a complaint about the services we commission or the policies we have developed and implemented.

When dealing with complaints we aim to adhere to Marston Forest Healthcare's organisation value's principles and follow the 'Good Practice Standards for NHS Complaints Handling' (Sept 2013) outlined by the Patients Association:

- Openness and Transparency - well publicised, accessible information and processes, and understood by all those involved in a complaint.



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- Evidence based complainant led investigations and responses. This will include providing a consistent approach to the management and investigation of complaints.
- Logical and rational in our approach.
- Sympathetically respond to complaints and concerns in appropriate timeframes.
- Provide opportunities for people to offer feedback on the quality of service provided.
- Provide complainants with support and guidance throughout the complaints process.
- Provide a level of detail appropriate to the seriousness of the complaint.
- Identify the causes of complaints and to take action to prevent recurrences.
- Effective and implemented learning - use 'lessons learnt' as a driver for change and improvement.
- Ensure that the care of complainants is not adversely affected as a result of making a complaint.
- Ensure that Marston Forest Healthcare meets its legal obligations.
- Act as a key tool in ensuring the good reputation of Marston Forest Healthcare.

We support the Parliamentary and Health Service Ombudsman's Principles of Good Complaints Handling (2009), My Expectations (2014) and the NHS Constitution which includes a number of patient rights relating to complaints. In summary, these include patients' rights to:

- Have their complaint acknowledged and properly investigated.
- Discuss the manner in which the complaint is to be handled and know the period in which the complaint response is likely to be sent.
- To be kept informed of the progress and to know the outcome including an explanation of the conclusions and confirmation that any action needed has been taken on.
- Take a complaint about data protection breaches to the independent Information Commissioners Office (ICO) if not satisfied with the way the NHS has dealt with this.

### **3. Definition of a complaint or concern**

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of Marston Forest Healthcare, either verbal or written, and whether justified or not, which requires a response.

### **4. Scope**

This policy applies to the handling of complaints or concerns relating to services directly provided by Marston Forest Healthcare. Page 5 of 19



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## 5. Who can make a complaint

A complaint may be made by the person who is affected by the action, or it may be made by a person acting on behalf of a patient in any case where that person:

- is a child; (an individual who has not attained the age of 18)

In the case of a child, we must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child, and furthermore that the representative is making the complaint in the best interests of the child.

- has died;

In the case of a person who has died, the complainant must be the personal representative of the deceased. Marston Forest Healthcare needs to be satisfied that the complainant is the personal representative. Where appropriate we may request evidence to substantiate the complainant's claim to have a right to the information.

- has physical or mental incapacity;

In the case of a person who is unable by reason of physical capacity, or lacks capacity within the meaning of the Mental Capacity Act 2005, to make the complaint themselves, Marston Forest Healthcare needs to be satisfied that the complaint is being made in the best interests of the person on whose behalf the complaint is made.

- Has given consent to a third party acting on their behalf;

In the case of a third party pursuing a complaint on behalf of the person affected we will request the following information:

- Name and address of the person making the complaint;
- Name and either date of birth or address of the affected person; and
- Contact details of the affected person so that we can contact them for confirmation that they consent to the third party acting on their behalf.

This will be documented in the complaint file and confirmation will be issued to both the person making the complaint and the person affected.

- Has delegated authority to act on their behalf, for example in the form of a registered Power of Attorney which must cover health affairs.

- Is an MP, acting on behalf of and by instruction from a constituent.

If the Practice Manager is of the opinion that a representative does or did not have sufficient interest in the person's welfare, or is not acting in their best interests, we will notify that person in writing. Page 6 of 19



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## 6. Complaints that cannot be dealt with under this policy

The following complaints will not be dealt with under the Local Authority Social Services and National Health Service Complaints (England) Regulations (2009):

- A complaint made by any NHS organisation or private or independent provider or responsible body.
- A complaint made by an employee about any matter relating to their employment.
- A complaint, the subject matter of which has previously been investigated under these or previous NHS Regulations.
- A complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day.
- A complaint which relates to any scheme established under Section 10 (superannuation of persons engaged in health services) or Section 24 (compensation for loss of office) of the Superannuation Act 1972 or to the administration of those schemes.

## 7. How to complain

### Contact Details

A complaint can be made to the Practice Manager on the details below:

**Marston Forest Healthcare**  
**59 Bedford Road**  
**Marston Moretaine**  
**Beds**  
**MK43 0LA**