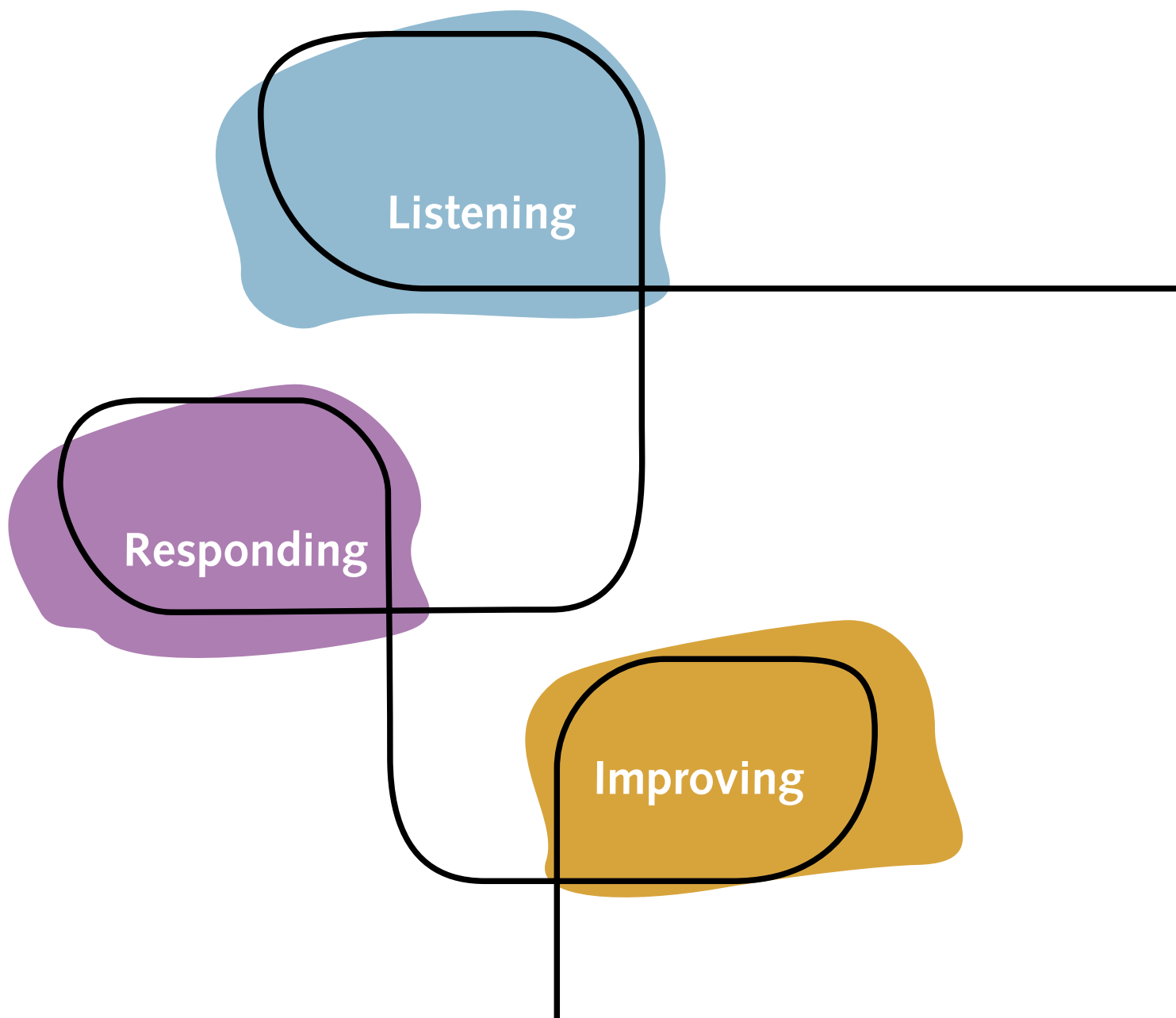


ADVICE SHEET 2:

Joint working on complaints – an example protocol

About this resource

If a complaint is made about care delivered by more than one organisation, it is important to provide a single point of contact and a single response to the complainant.



Many organisations have found it useful to agree a protocol for handling such complaints. Doing so:

- helps to avoid confusion for the complainant
- provides clarity about the responsibilities of each organisation
- encourages regular communication, and
- helps to ensure that the relevant organisations learn from the incident.

This resource has been produced to save you time, and includes:

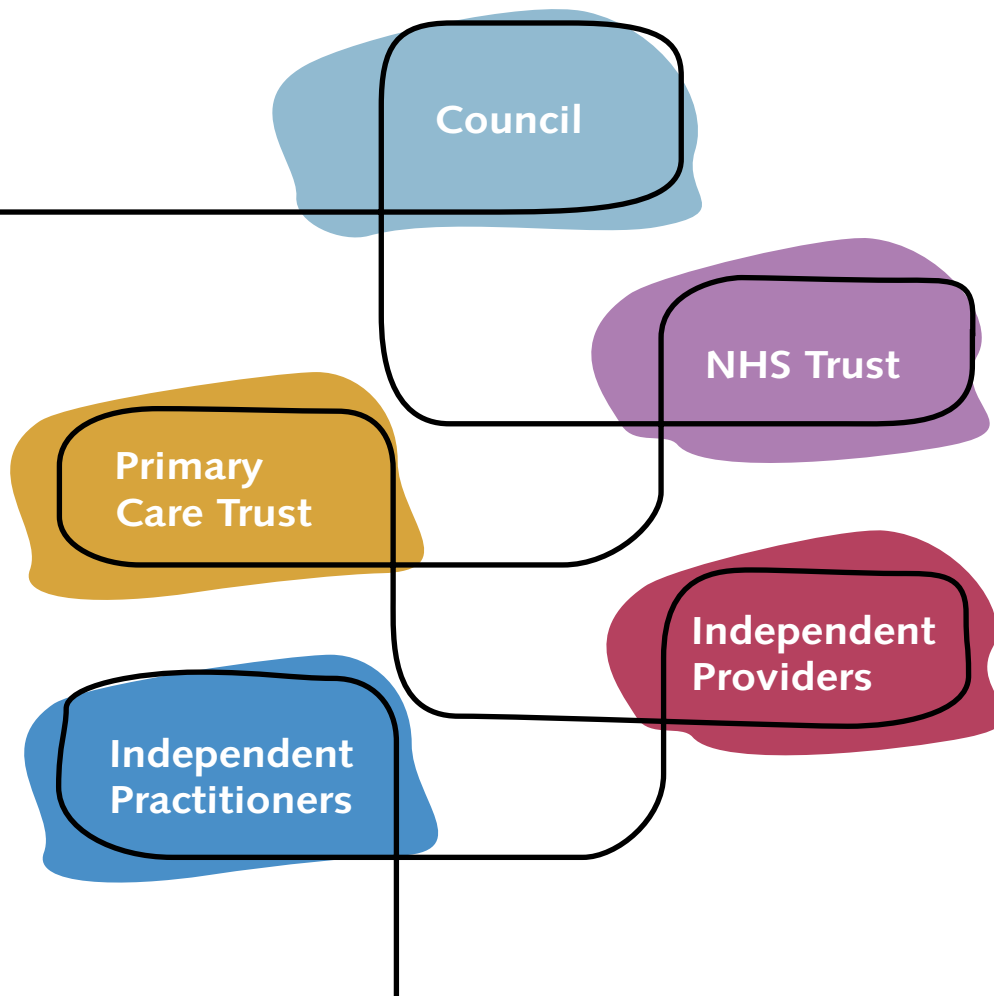
- an example protocol
- a form confirming the names of the signatory organisations
- an example consent form, and
- a flow chart showing how joint complaints might be handled.

THANK YOU

This resource draws on documents already being used in the field. It could not have been developed without the help of: Shropshire and Staffordshire VIAN (Voices for Improvement Action Network), Birmingham and Solihull Mental Health NHS Foundation Trust and Birmingham Adults and Communities Directorate (Joint Complaints Protocol for Working Age Adults), The Pennine Acute Hospitals NHS Trust, Pennine Care NHS Foundation Trust, Oldham Primary Care Trust and Oldham Metropolitan Borough Council, Derby City Primary Care Trust, Derbyshire County Primary Care Trust, Derby Hospitals NHS Foundation Trust, Derbyshire Mental Health Services NHS Trust, Derby City Council, Derbyshire County Council and East Midlands Ambulance Service, and North West London VIAN.

EXAMPLE PROTOCOL FOR THE HANDLING OF JOINT COMPLAINTS

between



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 organisations for resolution.

WHO SHOULD BE THE LEAD ORGANISATION?

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

- which organisation manages integrated services
- which organisation has the most serious complaints about it
- whether a larger number of the issues in the complaint relate to one organisation compared with the 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 complainant has a clear preference for which organisation takes the lead
- the impact on the organisations' governance arrangements.

PROCESS

Please see appendix 3 for a flowchart outlining the process for dealing with joint complaints.

The complainant should receive one single, co-ordinated response.

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 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 must give their consent before information relating to the complaint is passed between organisations. Wherever possible this should be in written form, but otherwise verbal consent 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 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 Protection of Vulnerable Adults procedures or other service user 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 for an example form that records the consent of complainants for their case records to be disclosed for the purpose of complaint investigations.

Close co-operation between complaints managers is crucial to ensure that 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

The lead organisation must ensure that:

- a comprehensive assessment is undertaken
- they grade the complaint
- they communicate with colleagues in all affected organisations, via the complaints services.

The individual professional remains accountable within their relevant organisation for the grading 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 practices 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 an inter-organisational impact.

APPENDIX 2

Statement of consent for the disclosure of personal records

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 3

Flow chart for handling joint organisation complaints

Complaint received – the protocol sets out the factors that determine which organisation will take the lead. Once this is decided the lead complaints manager contacts the complainant to discuss their complaint, agree how the complaint will be handled and confirm the issues to be addressed. Explain the implications of a joint organisation complaint and who will co ordinate the response.

Complaints manager contacts the other organisations involved to determine how the complaint is best dealt with.

Action plans are prepared to demonstrate learning and organisational improvement where appropriate. These should be shared across the organisations concerned.



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