

ADVICE SHEET 3:

Dealing with serious complaints

About this resource

Sometimes a complaint can raise serious safety issues for service users or the general public, for instance a complaint alleging a serious failure in standards of care by an individual health or social care worker.

In such cases, it is essential that the complaints are investigated because the safety of others may depend on taking swift and effective action. This advice sheet outlines some of the things to bear in mind when dealing with a serious complaint.

A diagram illustrating the three stages of dealing with serious complaints. It features three rounded rectangular boxes connected by a black line. The top box is light blue and contains the word 'Listening'. A horizontal line extends from the right side of this box. From the bottom of this horizontal line, a vertical line goes down to the left side of a purple box containing the word 'Responding'. From the right side of the purple box, a horizontal line extends to the right, then turns down to the top of a gold box containing the word 'Improving'.

Listening

Responding

Improving

Things to bear in mind

When dealing with more serious complaints, remember that:

- a single incident may be a symptom of a more systematic problem in the performance or conduct of the individual being complained about. There may be other information in your organisation – or in other local organisations – that will help you to understand the context of the complaint and judge its potential significance
- conversely, a complaint that is apparently about the conduct of an individual health or social care worker may turn out on closer investigation to relate to an underlying problem in the team or organisation where they work
- if the complaint relates to serious harm to patients, or to a significant 'near miss', your organisation may need to consider reporting it as a Serious Untoward Incident to the strategic health authority
- the more serious the complaint, the more important it is to ensure that the investigation is seen as fair and transparent, with a sufficient degree of independence to be credible. Wherever possible, you should agree with the complainant about how the investigation is to be set up
- the complainant may be considering a number of possible routes for pursuing the issue – for instance, a direct complaint to the national regulator or a claim for clinical negligence. This can be both confusing and distressing for the complainant. Make sure that they are aware of the possible sources of advice and support, including the local Independent Complaints Advocacy Service (ICAS) provider and specialist organisations such as the Action against Medical Accidents (AvMA) and Witness
- equally, serious complaints can be very distressing for the professional who is subject to the complaint. Make sure that they have access to professional support and, if they wish, occupational health resources during and after the investigation
- once the investigation is complete – even if the allegation is not verified – make sure that details of the outcome are securely stored on the personnel files of any of the health or social care workers involved, in case of further allegations of a similar kind.

Health and Social Care Act 2008

The Health and Social Care Act 2008 will, once it is fully implemented, have implications for handling the more serious complaints against healthcare workers, in particular doctors. The key points to remember are:

- doctors will need to ensure that their organisation's Responsible Officer is aware of the allegation and is happy with their proposed handling of it
- if the healthcare worker is also employed by/contracted to another healthcare organisation, you will need to consider whether to share information on the allegation with the other organisation, under the 'Duty of co-operation' in section 121 of the Act.

Further information

You can find further guidance on the investigation of serious complaints by reading Investigating Performance Concerns, published by the National Clinical Assessment Service. Information on primary care can be downloaded from www.ncas.npsa.nhs.uk/EasySiteWeb/GatewayLink.aspx?allId=9419, while information on secondary care can be downloaded from www.ncas.npsa.nhs.uk/EasySiteWeb/GatewayLink.aspx?allId=9420

You can find more information on the Health and Social Care Act 2008 by going to www.opsi.gov.uk/acts/acts2008a

You can find out more about the Department of Health's Tackling Concerns Locally policy by visiting www.dh.gov.uk/en/Managingyourorganisation/Humanresourcesandtraining/Modernisingprofessionalregulation/ProfessionalRegulationandPatientSafetyProgramme/TacklingConcernsLocally/index.htm