

## **COMPLAINTS PROCEDURE**

### **Introduction**

The purpose of the policy is to ensure that all patients (or their representatives) who have the cause to complain about their care or treatment can have freely available access to the process and can expect a truthful, full and complete response and an apology where appropriate. Complainants have the right not to be discriminated against as the result of making a complaint and to have the outcome fully explained to them. Everyone at Anytime Doctor is expected to be aware of the process and to remember that everything they do and say may present a poor impression of Anytime Doctor and may prompt a complaint or even legal action.

The general principle of Anytime Doctor in respect of all complaints will be to regard it first and foremost as a learning process, however in appropriate cases and after full and proper investigation the issue may form the basis of a separate disciplinary action. In the case of any complaint with implications for professional negligence or legal action, the appropriate defence organisation must be informed immediately.

### **Procedure**

#### **Availability of information**

Anytime Doctor will ensure that there is clear information on the Patient Guide (<https://www.anytimedoctor.co.uk/onlinedoctor/patient-guide.html>) advising on the complaints process

#### **Who can make a complaint?**

A complaint can be made by or, with consent, on behalf of a patient (i.e. as a representative); a former patient, who is receiving or has received treatment at Anytime Doctor; or someone who may be affected by any decision, act or omission of Anytime Doctor.

A Representative may also be

- someone acting on behalf of a patient/ former patient who lacks capacity under the Mental Capacity Act 2005 (i.e. who has Power of Attorney etc.) or physical capacity to make a complaint and they are acting in the interests of their welfare
- someone acting for the relatives of a deceased patient/former patient

In all cases where a representative makes a complaint in the absence of patient consent, Anytime Doctor will consider whether they are acting in the best interests of the patient. In the event a complaint from a representative is not accepted, the grounds upon which this decision was based must be advised to them in writing.

### **Who is responsible at Anytime Doctor for dealing with complaints?**

Anytime Doctor's "Compliance Manager" is Jannen Vamadeva. He is charged with ensuring complaints are handled in accordance with best practice, for managing complaints, ensuring adequate investigations are carried out, that lessons learned are fully implemented, and that no Complainant is discriminated against for making a complaint.

### **Time limits for making complaints**

The period for making a complaint is normally:

- (a) 12 months from the date on which the event which is the subject of the complaint occurred;
- or
- (b) 12 months from the date on which the event which is the subject of the complaint comes to the complainant's notice.

Anytime Doctor has discretion to extend these limits if there is good reason to do so and it is still possible to carry out a proper investigation. The collection or recollection of evidence, clinical guidelines or other resources relating to the time when the complaint event arose may also be difficult to establish or obtain. These factors may be considered as suitable reasons for declining a time limit extension, however that decision should be able to stand up to scrutiny.

### **Action upon receipt of a complaint**

**A) Verbal Complaints:** It is always better to try and deal with the complaint at the earliest opportunity and often it can be concluded at that point. A simple explanation and apology at the time may be all that is required.

A verbal complaint need not be responded to in writing if it is dealt with to the satisfaction of the complainant by the end of the next working day, neither does it need to be included in the annual Complaints Summary.

If resolution is not possible, the Compliance Manager will set down the details of the verbal complaint in writing and provide a copy to the complainant within three working days. This ensures that each side is well aware of the issues for resolution. The process followed will be the same as for written complaints.

**B) Written Complaints:** On receipt, an acknowledgement will be sent within five working days which offers the opportunity for a discussion on the matter. This is the opportunity to gain an indication of the outcome the complainant expects and also for the details of the complaint to be clarified. In the event that this is not practical or appropriate, the initial response should give some indication of the anticipated timescale for investigations to be concluded and an indication of when the outcome can be expected. Anytime Doctor will provide a formal response within 20 working days.

It may be that other bodies (e.g. secondary care) will need to be contacted to provide evidence. If that is the case, then a patient consent form will need to be obtained at the start of the process and a pro-forma consent form included with the initial acknowledgement for return.

If it is not possible to conclude any investigations within the advised timescale, then the complainant must be updated with progress and revised time scales on a regular basis. In most cases these should be completed within six months unless all parties agree to an extension.

#### The Investigation

Anytime Doctor will ensure that the complaint is investigated in a manner that is appropriate to resolve it speedily and effectively and proportionate to the degree of seriousness that is involved. The investigations will be recorded in a complaints file created specifically for each incident and where appropriate should include evidence collected as individual explanations or accounts taken in writing.

#### Final Response

This will be provided to the complainant in writing (or email by mutual consent) and the letter will be signed by the Compliance Manager. The letter will be on headed notepaper and include:

- An apology if appropriate (The Compensation Act 2006, Section 2 expressly allows an apology to be made without any admission of negligence or breach of a statutory duty)
- A clear statement of the issues, details of the investigations and the findings, and clear evidence-based reasons for decisions if appropriate
- Where errors have occurred, explain these fully and state what has been or will be done to put these right or prevent repetition. Clinical matters must be explained in accessible language
- A clear statement that the response is the final one and Anytime Doctor is satisfied it has done all it can to resolve the matter at local level

#### The final letter should not include:

- Any discussion or offer of compensation without the express involvement and agreement of the relevant defence organisation(s)
- Detailed or complex discussions of medical issues with the patient's representative unless the patient has given informed consent for this to be done where appropriate.

#### **Confidentiality**

All complaints must be treated in the strictest confidence and Anytime Doctor must ensure that the patient etc. is made aware of any confidential information to be disclosed to a third party.

Anytime Doctor must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from patients' medical records and no

reference which might disclose the fact a complaint has been made should be included on the computerised clinical record system.

### **Unreasonable or Vexatious Complaints**

Where a complainant becomes unreasonable or excessively rude or aggressive in their promotion of the complaint, some or all of the following formal provisions will apply and must be communicated to the patient by the Compliance Manager in writing:

- Contact will be limited to one method only (e.g. in writing)
- Place a time limit on each contact
- The number of contacts in a time period will be restricted
- A witness will be present for all contacts
- Repeated complaints about the same issue will be refused unless additional material is being brought forward
- Only acknowledge correspondence regarding a closed matter, not respond to it
- Set behaviour standards
- Return irrelevant documentation
- Detailed records will be kept of each encounter