

Information	
Adopted	05/07/2013
Amended/Reviewed	04/11/2014; 25/07/2017; 08/12/2017
Signed: Chairman	

Complaints Policy

Introduction.

Healthwatch Lincolnshire LTD (HWL) has considered it necessary to put a complaint policy in place to ensure that any matters being raised by the general public, stakeholder organisations or other bodies, which may cause concern can be dealt with following a set procedure and done so consistently and fairly.

The aim of the policy and procedure is to settle any complaint speedily and as close as possible to its point of origin. It is HWL's policy that everyone should:

- Be given a fair hearing concerning any complaint they may wish to raise.
- Have the right to appeal against a decision made by a Chief Executive Officer.
- Have the right to be accompanied by a friend, colleague or independent advocate during any stage of the investigation. This should be recorded on the Complaint Record Form.

Defining a Complaint.

A complaint may be defined as 'an expression of dissatisfaction'. This may arise, for example, from:

- Communication issues, including rude or inappropriate behaviour.
- Failure to respond to enquiries in a timely manner, enquirer has been waiting longer than 14 days.
- Actions outside the role of HWL which may compromise the individual's role within HWL.
- Failure of an individual or organisation to comply with HWL's Code of Conduct.

This policy may be used to deal with:

- A complaint by individual members of the public, external bodies, organisation or individuals about HWL or its representatives when they are undertaking HWL functions.
- A complaint about the content of work undertaken by HWL.
- A complaint about the HWL as a whole.

How to make a complaint

Complainants in the first instance should contact the Chief Executive Officer in person by telephone, email or letter. The complainant will need to set out the reason for the complaint, following which the Chief Executive Officer will agree the next steps which may include forwarding to the complainant a HWL complaints form.

Local Resolution, next steps.

When a complaint is made the HWL nominated Chief Executive Officer will:

- Contact the parties involved to acquire as much information as possible and assess the best course of action. Wherever possible this should be done face to face.
- Consider the information and decide if there is an issue which requires some form of action.
- Report to a closed meeting of the Board on the complaint, updating the Board on a regular basis until the issue has been resolved.

If the Chief Executive Officer considers there are no grounds for the issue/complaint he/she must inform the complainant verbally of the decision, how that decision has been reached and preferably follow this up in writing. A copy of this letter should be attached to the Complaint Record Form.

The complainant has the right to appeal against the dismissal of their complaint and the right to take it to the Complaints Panel. The Complaints Panel will be established by the Board (see point 7 below).

If the Chief Executive Officer considers there is an issue he/she will decide if it is possible to deal with the complaint through local resolution, or if it should pass to the HWL Complaints Panel. The Chief Executive Officer must inform the complainant of his/her decision and how that decision has been reached and preferably follow this up in writing. A copy of this letter should be attached to the Complaint Record Form.

If the Chief Executive Officer decides that the complaint may be handled through local resolution the following 6 steps should be followed:

1. The Chief Executive Officer should encourage the parties involved to attend an informal meeting to discuss the issue and reach an agreed route to deal with the matter.
2. If the informal meeting does not reach a mutually acceptable resolution or if any of the parties involved are not willing to participate in an informal meeting, the Chief Executive Officer should arrange a formal meeting.
3. Before the formal meeting the Chief Executive Officer should contact all parties involved gathering their views on any possible solution which could resolve the matter.
4. At the formal meeting notes must be taken.
5. If a mutually acceptable resolution is reached, the Chief Executive Officer shall put this in writing to all parties involved, clearly stating the outcomes and what has been agreed. A copy of this letter should be attached to the Complaint Record Form.
6. If by the end of the meeting, no mutually acceptable resolution has been reached the matter should be passed as a formal complaint to the Complaints panel.

What happens when a formal complaint is not resolved?

7. When it is not possible to reach a satisfactory resolution to a complaint through local resolution the matter shall be passed to the Complaints Panel. The Panel will comprise of 3 members of the Board including the Vice-Chair wherever possible. The remit of the panel will be to review the facts and consider all evidence in order to decide if the complaint is justified. This decision should be recorded on the Complaint Record Form.
 - 7a. If the complaint is found not to be justified the Complaints Panel will write to the complainant explaining how the decision has been reached. A copy of this letter should be attached to the Complaint Record Form
 - 7b. If the complaint is found to be justified the Complaints Panel will consider what corrective action should be taken and advise the Board. Details of this action should be recorded on the Complaint Record Form. The Complaints Panel will write to the complainant explaining how the decision has been reached and what corrective action has been recommended. A copy of this letter should be attached to the Complaint Record Form.
 - 7c. The Board will meet in a closed session to agree the proposed course of action as recommended by the Complaints Panel.

Right of Appeal.

Any person who disagrees with the decision of the Complaints Panel will have a right to appeal to an Appeals Panel. This Panel will comprise of 3 members of the Board not involved in the Complaints Panel and will include the Chair wherever possible.

The purpose of the appeal process is to decide whether the outcome of the original hearing was reasonable. Generally there are 2 grounds for appeal:

- Appeal against the facts where it is considered that the evidence used by the Complaints Panel to come to its decision, was either incomplete or untrue.
- Appeal against the reasonableness of the decision - where the evidence is not disputed but it is believed that the decision made by the Complaints Panel is not reasonable in light of that evidence.

The Appeals Panel will decide if the appeal is valid; i.e. falls into either of the above categories. If the appeal is not considered to be valid, the Appeals Panel will write to the complainant explaining why the appeal is not valid. A copy of this letter should be attached to the Complaint Record Form.

If the Appeals Panel finds that the appeal does meet the criteria it will:

- Review all paperwork.
- Convene a hearing if it feels the matter cannot be judged on the paperwork alone or further evidence becomes available.
- Write to confirm its decision to all parties ensuring that any person/body that is tasked with carrying out any action is aware of the timescale which has to be met and how this completion of such action will be monitored. A copy of this letter should be attached to the Complaint Record Form.

Confidentiality and Data Protection

All Complaints, Appeals, evidence and other information gathered, held and processed under this Complaints Policy and our Handling Procedure shall be treated with the utmost confidence at all times. Such information may be shared with employees of HWL only to the extent required to resolve the Complaint in question in accordance with this Complaints Policy and our Handling Procedure.

In the event that the details of a Complaint are to be used for training or quality improvement purposes, in which case they will be shared with other employees of HWL beyond the scope of this Complaints Handling Procedure, the relevant Complainants express permission must first be sought using that complainants preferred contact method. Personal details (that is, anything that may be used to identify the complainant) shall be removed from all information so used.

All personal information collected by HWL (including, but not limited to, complainants names and contact details) shall only be collected, used and held in accordance with the provisions of the Data Protection Act 1998 and our Customers' rights under that Act, as detailed and embodied in our Data Protection Policy.

Conclusion.

HWL operates in the public domain representing local people, groups and organisations; it is important that participants in HWL conduct themselves in a proper manner which will stand up to public scrutiny. All complaints that are found to be justified should be regularly analysed and the data from this analysis presented to the Board so that improvement and corrective actions can be taken so demonstrating its ability to consider and learn from any complaint received.

To compliment this policy please refer to Volunteer Complaint Procedure and Complaints form.