



Oaks Healthcare Complaints Policy

Our complaint policy is informed by the following documents:

- Complaints Standards NHS, Parliamentary and Health Service Ombudsman (2022) *NHS Complaints Standards; Model Complaint Handling Procedure for providers of NHS services in England*.
- National Head of Complaints (2021) *NHS England Complaints Policy*.
- *The NHS Constitution*.

Identifying a complaint:

1.1 Our staff are the first point of contact for people who use our service every day. This can often raise issues, requests for a service, questions or worries that our staff can help with immediately. We train our staff to proactively respond to services users and their representatives, ensure they are listened to and provide an answer to their issues wherever possible without the need for them to make a complaint. If the issues raised cannot be resolved at the first point of contact, it will be appropriately escalated.

1.2 People may want to provide feedback instead of making a complaint. Feedback can be an expression of dissatisfaction or satisfaction but is normally given without wanting to receive a response or make a complaint.

How to make a complaint:

2.1 You may choose to raise a complaint directly with the Practice:

- In person
- By telephone (02392 263138)
- In writing (Oaks Healthcare, 26-30 London Road, Waterlooville, Hampshire, PO8 8DL)
- By email (hiowicb-hsi.oakshealthcare@nhs.net)

2.2 **OR**, you may raise your complaint directly with the commissioner of our services:

- By telephone (0300 561 0290)
- In writing (South East Complaints Hub, NHS Frimley ICB, Aldershot Centre for Health, Hospital Hill, Aldershot, Hampshire, GU11 1AY)
- By email (frimleyicb.southeastcomplaints@nhs.net)

2.3 A complaint must be made no later than 12 months after the date on which the matter, which is the subject of the complaint occurred or, if later, the date on which the matter came to the notice of the complainant. This time limit shall not apply if the Practice is satisfied that the complainant had good reason for not making the complaint within that time limit. If we do not see a good reason for the delay, or we think it is not possible to properly consider the complaint, we will write to the complainant.

2.4 If you feel you require help to make your complaint, support is available. Local authorities have a statutory duty to commission independent advocacy services to provide support for people to make a complaint about their NHS care or treatment. Further information about local advocacy services may be found at:

Healthwatch Hampshire

- Telephone: 01962 2440 262
- Email: enquiries@healthwatchhampshire.co.uk
- Website: <https://www.healthwatchhampshire.co.uk/>

Portsmouth City Council, Social Services

- Telephone: 023 9268 0810
- Email: cityhelpdesk@portsmouthcc.gov.uk
- <https://www.portsmouth.gov.uk/>

VoiceAbility

- Telephone: 0300 303 1660
- Email: helpline@voiceability.org
- Website: <https://www.voiceability.org/support-and-help/services-by-location/our-services-in-hampshire>

Who can make a complaint?

3.1 “A person who is affected, or likely to be affected, by the action, omission or decision...which is the subject of the complaint”.

3.2 A complaint may be made by a representative acting on behalf of a person mentioned above who:

a) Has died

The complainant would usually be the personal representative of the deceased. To respond to the personal representative, the Practice may request some formal documentation from this person such as copy of a will (to demonstrate their role as executor) or a lasting power of attorney relating to health care.

b) Is a child

The Practice must be satisfied that there are reasonable grounds for the complaint to be made by a representative of the child (rather than by the child themselves), and that the representative is making the complaint in the best interest of the child (a child is considered anyone up to the age of 18).

c) Has physical or mental incapacity

In the case of a person who is unable to make the complaint themselves because of either physical incapacity or who lacks capacity within the meaning of the Mental Capacity Act 2005, the Practice needs to be satisfied that the complaint is being made in the best interest of that person.

In relation to points a, b, and c above, where the Practice is satisfied that the representative is not conducting the complaint in the best interests of the person on whose behalf the complaint is made, the complaint will not be considered under this policy. The Practice must notify the representative in writing of this decision and state the reason for that decision.

d) Has given consent to a third party acting on their behalf.

In this case we will require the following information:

- Name and address of the person making the complaint.
- Name and either date of birth or address of the person who is the subject of the complaint
- A consent form signed by the person who is the subject of the complaint.

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

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

What we do when we receive a complaint:

4.1 A written acknowledgement will be sent within 3 days on receipt of a complaint. An acknowledgement will include:

- An offer to discuss the handling of the complaint;
- An offer to discuss a realistic timeframe for responding to the complaint (advising that a complainant may contact the Legal Ombudsman if a complaint has not been resolved within eight weeks of being made);
- A summary of what the complaint is about and, where unclear, an offer to discuss the desired outcome;
- When a complaint is made verbally, it must include the written statement which has been recorded;
- Information about local advocacy services;
- Will address any issues of consent;
- Include the name and role of the complaint handler who will be the point of contact.

4.2 At Oaks Healthcare, we aim to respond to any formal complaint within 4 working weeks. If an investigation is likely to take longer than the original timeframe discussed, the complainant will be contacted to be advised of a new timeframe for responding and an explanation as to the reason for the delay.

4.3 A response to a complaint will:

- Include an explanation of how the complaint has been considered;
- Provide information about who has been involved in the investigation;
- Include a meaningful apology where due;
- Refer to any records, documents or guidelines that have been considered;
- Conclude and evidence how a decision was reached;
- Tell the complainant what has been done to put things right where appropriate;
- Signpost the complainant to next steps including details of the Parliamentary and Health Service Ombudsman (PHSO).

How do we monitor and record complaints:

5.1 We maintain a record of:

- Each complaint received.
- The subject matter.
- The outcome; including any discussion in internal governance meetings and staff training sessions.

5.2 We expect all staff to identify what learning can be taken from complaints, regardless of whether mistakes are found or not.

5.3 We monitor all feedback and complaints over time, looking for trends and risks that may need to be addressed.