



# Complaints Procedure

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## North East Medical Services

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To be reviewed by		25 <sup>th</sup> October 2021

## Purpose of Document

This Policy sets out the clear guidance to be followed when a complaint is made or received related to a Service User or Client experience whilst under the care of North East Medical Services.

## Reference

Care Quality Commission – How to Complain Leaflet

Independent Sector Complaints Adjudication Service – [www.iscas.org.uk](http://www.iscas.org.uk)

NEMS Duty of Candour Policy

NEMS Whistle Blowing Policy

## 1. Introduction

- 1.1 North East Medical Services (NEMS) strives to provide the highest level of care possible to its Service Users and Clients.
- 1.2 NEMS understands that, on occasion, that the Standard of Care that a Service User or Client experiences may not be to the level of that the Service User or Client expects.
- 1.3 NEMS supports the rights of Service Users and Clients to make a complaint, every complaint is treated seriously and is used as a Learning and Development opportunity to improve its services and address any training needs of its staff.

## 2. Scope

- 2.1 This policy applies to all NEMS staff (employed, self-employed or subcontracted) working for or on behalf of Service Users or Clients.

## 3. Objectives

- 3.1 To provide guidance on how a complaint can be made.
- 3.2 To provide guidance on how a complaint will be dealt with.

## 4. Responsibilities

- 4.1 The Managing Director has overall responsibility to ensure all complaints received by NEMS are responded to and dealt with in a timely manner. The Managing Director may delegate this task to another member of management if deemed necessary.
- 4.2 Human Resources Manager has responsibility to instigate disciplinary procedures if deemed that the complaint may result in a case of “Misconduct, Serious Misconduct or Gross Misconduct”
- 4.3 The General Manager has responsibility to provide staff with additional support during the investigation. This support may involve altering shift patterns, providing additional support during their shift or identifying additional training requirements.
- 4.4 All staff have a responsibility to report complaints through the Duty Manager. Concerns maybe raised as per Duty of Candour Policy and Whistle Blowing Policy.

## 5. Definitions

- 5.1 **Sorry** – is a word to express regret or sympathy with a situation. The use of sorry in this case does not imply guilt.

- 5.2 **Vexatious** – having little chance of succeeding in Law, but intended to annoy someone or cause problems for them.
- 5.3 **Complaint** – a statement that something is wrong or unsatisfactory.
- 5.4 **Upheld** – confirmation or support of the validity of the complaint.

## 6. General Procedures

### 6.1 Stage One

- 6.1.1 If you are a Service User or a Client and are unhappy about the service we have provided, you should voice your concerns to the Duty Manager by calling 01482 242300. The Duty Manager will acknowledge your concern and look to remedy the situation there and then.

### 6.2 Stage Two

- 6.2.1 If Stage One does not have a satisfactory outcome, or if the problem reoccurs, the Service User or Client moves to Stage Two of the procedure.
- 6.2.2 Stage Two will require the concerns or complaints being made in writing, either by the Service User/Client and by someone advocating on their behalf.
- 6.2.3 All complaints will be investigated and responded to in writing by the Managing Director.
- 6.2.4 As part of the investigation, the Managing Director may request further information or clarification in writing. Delay in response from the plaintiff may result in the investigation being delayed or, depending on the length of the delay, the complaint not being upheld.
- 6.2.5 The Managing Director, at their discretion, may call upon internal and external resources to facilitate the investigation. This may include, and does not exclude any other action, discussing the case with a Registered Health Care Professional in cases relating to Clinical Practice, discussing with our HR Management Company (Peninsula) for matters relating to disciplinary action.
- 6.2.6 The plaintiff will be informed by writing the outcome of the complaint. If the complaint is upheld, the plaintiff will be informed of the action NEMS will take to remedy the situation. If the complaint is not upheld, the plaintiff will be informed of the reasons why and will be given an opportunity to respond.
- 6.2.7 A complaint may not be upheld if the plaintiff fails to provide further information as requested in 6.2.4 or if the complaint is considered vexatious.

### 6.3 Stage Three

- 6.3.1 If you are not satisfied by the way the complaint has been handled or with the response provided, you are able to request a meeting with the Managing Director. Both the Service User, Client or someone advocating for them and Managing Director can bring witnesses or someone to act in mediation.
- 6.3.2 If new evidence is brought to light, which wasn't requested during the investigation, the investigation may be re-opened. However, if new evidence is produced which wasn't

provided when requested, depending on the weight of the evidence, then the investigation may not be re-opened.

## 6.4 **Stage Four**

- 6.4.1 When the investigation has been concluded, a copy of the report and outcome of the investigation will be provided in writing.
- 6.4.2 Under Data Protection Regulations, information in the investigation relating to Personal or Sensitive Data may be redacted.
- 6.4.3 It will be the aim to conclude an investigation within 28 working days of the original complaint being received.
- 6.4.4 28 working days is a working guideline and depends on other factors, including responses for further information or clarification.
- 6.4.5 Any delay which means the 28 working day will be broken, will be communicated in writing.

## 7. Contact Information

- 7.1 Opelwood Services t/a North East Medical Services, Louis Pearlman Centre, 94 Goulton Street, Hull, HU3 4DL Tel 01482 242300 Email [info@ne-medical.co.uk](mailto:info@ne-medical.co.uk)
- 7.2 Care Quality Commission, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA Tel 03000 616161 Email [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)
- 7.3 [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)