

Complaints Policy

Version:	10
Ratified by:	Health Education England East Midlands Senior Leadership Team (SLT)
Date ratified:	18/06/2020
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Date issued:	05 March 2019 (HEE EoE)
Review date:	18/06/2020 (HEE EM)
Target audience:	Doctors and Dentists in training, Faculty, LEPs, Educational and Clinical Supervisors, Training Programme Directors, Heads of Schools
Document History:	First version issued (HEE EoE) Second version issued (HEE EoE) Third version issued (HEE EM)

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Executive Summary

The purpose of this policy is intended to understand, investigate and resolve complaints which are not covered by any existing specialised appeals or complaints procedures, such as for recruitment and assessment in relation to Medical and Dental Speciality Training programmes.

Details of such appeals procedures can be found on our website.

Complaints via this route must relate to the functions of HEE EM and may concern areas of responsibility as set out under the Section 2 Scope of the policy to be found on page 5 of the document.

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1. Policy Statement

This document sets out the policy and the arrangements for responding to complaints relating to Postgraduate Medical education and training, which are received via the Postgraduate Dean (PGD). Where there is already a specific policy in place for managing complaints and appeals, such as in relation to recruitment and ARCP appeals, the issue raised will fall under that relevant policy.

The aim is to ensure that complaints are dealt with quickly, sensitively, and effectively, that lessons are learnt, and appropriate action is taken to enable for continuous improvement.

Care will always be taken throughout the process to ensure that any information disclosed is confined to that which is relevant to the investigation of the complaint. Such information will only be disclosed to those people who need to have access to this information for the process of investigating the complaint.

Your complaint, and all accompanying statements and records, will be kept confidential as far as is possible in facilitating a fair and thorough investigation. Whilst your privacy and confidentiality will be respected, this needs to be balanced with: -

- The need for an open and fair investigation
- Appropriate remedial action to be taken
- The outcome of the investigation to be reported appropriately
- Action to be taken to improve our processes and quality of service.

The Complaints Policy is concerned only with resolving complaints and not with investigating disciplinary matters. The purpose of the Complaints Policy is not to apportion blame amongst staff.

It is acknowledged that some complaints may identify information about matters which indicate a need for disciplinary investigation. Such an investigation will be adopted in accordance with the employing organisation's relevant disciplinary and or grievance procedure.

2. Scope

The use of this policy is restricted to those complaints not covered by any existing specialised appeals or complaints procedures, such as for recruitment and assessment in relation to Medical and Dental Speciality Training programmes. Details of such appeals procedures can be found on our website.

Complaints must relate to the functions of HEE EM and may concern the following areas of responsibility: -

- a) Policy decisions which it is felt have been arrived at incorrectly, or concerns relating to the policy itself.
- b) Concerns relating to allegations of discrimination, bullying and harassment or whistleblowing detriment within the ARCP process.

- c) Complaints relating to the discharge of other duties and functions of the HEE local office.

HEE EM does not have the ability or power to investigate allegations about an individual's place of work or employment issues such as salary, annual leave and maternity/paternity leave. Such concerns should be directed to the employing organisation.

3. HEE EM Principles

We aim to resolve complaints as quickly as possible. Many complaints and misunderstandings can be resolved satisfactorily by an understanding and timely response. Immediate personal attention by staff can often reassure a complainant by providing an explanation and an offer of immediate help, which in turn can remove any sense of grievance.

Although complaints will normally be received via the PGD, Deputy Dean or a Senior Manager and follow the Complaints Pathway; it maybe that any member of HEE EM staff could find that he, or she, is the first point of contact for someone who wishes to make a complaint.

Any HEE staff member receiving a verbal complaint will endeavour to: -

- Speak professionally to the complainant.
- Indicate that confidentiality will be respected.
- Listen carefully.
- If appropriate, offer an explanation, help and/or apology.
- Where necessary, direct the complainant to the relevant sections of our website for our complaints policy.
- Make it clear that he/she will escalate the complaint to the most appropriate department/senior member of staff or suggest the most appropriate route of contact.

The Regional Director (RD) will be notified immediately if it appears that a serious or criminal offence has been committed or alleged, or where there is a risk to patient safety. The RD will decide on appropriate action including the involvement of the Police or other external bodies.

4. Procedure

HEE EM encourages resolution of complaints in an informal way with the individual or team involved. Initially discussions should be undertaken to resolve the issue, however if the complaint cannot be resolved informally, details of the complaint must be submitted in writing to the Postgraduate Dean.

A brief summary of the written complaint received is logged, together with any action taken in response to each complaint, and lessons learned. Anonymity will be protected for any reporting purposes and access to the log is restricted to those working within HEE required to be involved in the process.

You must submit your complaint: -

- 1) Via email to janis.mumford@hee.nhs.uk
- 2) Start any letter with a subject line, or enter the subject line of any email, the wording:

Complaint re: Title of Complaint

- 3) Provide up to date contact details of your name, address and day time telephone contact number.
- 4) Provide supporting evidence to substantiate your complaint either within your letter / email or as an attachment.

Stage 1 - Acknowledge

A written acknowledgement of receipt will be issued within 2 working days of the receipt of the complaint.

The acknowledgement will explain that your complaint will be reviewed and replied to within **20 working days from receipt of the complaint**. However, if we are not able to reply in full within 20 working days of receipt of your complaint, an explanation as to why further time is required to investigate, together with a proposed timescale will be communicated to you.

Stage 2 - Review

Your complaint will be passed to the Deputy Postgraduate Dean (or nominated deputy). They will review the complaint and decide the appropriate actions and next steps to be taken.

Where a complaint involves a senior member of staff the RD may handle the complaint or appoint a nominated person to lead any investigation.

Stage 3 – Pathway

Your complaint may be deemed to be: -

a. An appropriate case for the offer of mediation

A suggestion will be made to the complainant to determine if they wish to take up this offer

b. An appropriate case where the Complaints Pathway should be followed

A Case Manager (CM) and Case Investigating Office (CIO) will then be appointed. Terms of Reference (ToR) will be agreed and the investigation will take place within an agreed timeframe. A report will be collated by the CIO and submitted to the CM.

c. Outside the scope of this policy

Should it be considered that your complaint is outside the scope of this policy, wherever possible, we will endeavour to signpost you to the relevant authority or body who may be able to progress your concern.

Stage 4 – Outcome

The outcome of the review will be communicated to both the complainant and the PGD within the agreed timeframe. Part of that outcome could include a referral for a further investigation through HEE's Quality Framework process or to an external regulator NHSE / NHSi / GMC / GDC.

Stage 5 – Reconsideration

If you are not satisfied with the outcome, within 10 days from the date of the outcome letter, you should submit a further letter or e-mail to janis.mumford@hee.nhs.uk detailing the reasons. You will need to provide satisfactory reasons for a reconsideration to take place.

If a reconsideration does take place, we will endeavour to provide a response within 10 working days of receipt of your letter. A written acknowledgement of receipt of your reconsideration letter will be sent out to you within 2 working days.

This reconsideration is the final stage and there can be no further recourse of appeal.

5. Withdrawal of complaints

You can withdraw your complaint at any time, by writing to the officer dealing with your complaint and quoting your reference number. Your complaint will then be closed permanently and therefore will not be re-opened. However, where your concerns relate to matters of patient safety, allegations of a criminal nature or other serious concerns, HEE EM may decide that it needs to take further steps to address these concerns.

6. Data Retention

In line with HEE data management policies for complaints paperwork, all materials relating to complaints will be held in line with the data policy relevant to the area of the complainant/complaint

A quarterly report of complaints is received and reviewed at the HEE EM Senior Leadership Team (SLT) meeting as part of sharing experiences and learning from previous experience.

7. Equality and Diversity

HEE EM is committed to providing equality of opportunity, not only in its education and training but also in the services for which it is responsible. As such, this policy has been screened and assessed and no potential discriminatory impact has been identified.

8. Monitoring and Compliance with this Procedure

The effectiveness of the procedure will be reviewed on a regular basis by the SLT.