

Is there a time limit for making a complaint?

You should normally complain within six months of the incident you are concerned about, or, within six months of you finding out that there was something to complain about. It is best to make your complaint as soon as possible as memories will be fresher and it will be easier to investigate the facts. The New Victoria Hospital may be willing to investigate complaints after this time if you have a good reason why you could not act earlier (for example, if you were unwell). For information, the law requires hospitals to keep patient's clinical records for a period of eight years, but in any event, the hospital will not entertain a complaint more than three years after the event.

Useful Addresses

Independent Healthcare Advisory Services

Centre Point,

103 New Oxford Street,

London WC1A 1DU

Telephone: 020 7379 8598

Fax: 020 7379 8586

Email: info@independenthealthcare.org.uk

Care Quality Commission

Finsbury Tower, 103-105 Bunhill Row,

London EC1Y 8TG

Telephone: 020 7448 9200

www.carequalitycommission.org.uk

The New Victoria Hospital

184 Coombe Lane West

Kingston Upon Thames

Surrey KT2 7EG

+44 (0) 20 8949 9000

www.newvictoria.co.uk



*When only
the **best**
will do*

making a complaint
a guide for patients

How do I complain

The New Victoria Hospital prides itself on providing patients with the best available hospital care. However, there may be times when expectations are not met. If you are not satisfied with the service you, or a close relative or friend has received in the hospital, which is a member of the Independent Healthcare Advisory Service, it is your right to have your concerns investigated and to be given a full and prompt reply. The Independent Healthcare Advisory Service provides a route to the Independent Sector Complaints Adjudication Service, as well as access to an independent adjudicator, in accordance with the Sector's Code of Practice for Handling Patients' Complaints. The Advisory Service also facilitates and provides the secretariat for the third stage of the complaints Code of Practice.

Our booklet, called 'Making a Complaint a Guide for Patients', has been introduced to address patient complaints against the hospital, and/or clinicians practicing at the hospital. If the complaint is being made by a child – a copy of *Mumbles and Grumbles*, is available separately.

We recognise that complaints provide an opportunity to examine the hospital services and ensure a culture of continuous quality improvement. The complaints Code of Practice applies to both clinical and non-clinical complaints and is a statement of our commitment to quality. It is designed to effectively manage, respond to and resolve complaints. If you are thinking of making a complaint about your care at The New Victoria Hospital, this guide tells you about the code of practice and gives you advice about how to get the most out of the code of practice to achieve a satisfactory response. Copies of the hospital's complete Complaints Code of Practice are available upon request from the Director of Clinical Services or Chief Executive.

What do I want to achieve?

Before making a complaint, it is important to think about what you want to achieve. Under our Code of Practice we can;

- Carry out an investigation and offer an explanation for what happened
- Offer to make an apology, or some other statement of regret
- Take steps to put matters right and reassure you that we have done so

How do I start?

The Hospital complaints Code of Practice has three progressive stages:

- Local Resolution
- Internal Appeal
- Independent External Adjudication

At the local resolution stage, we will look into and respond to your complaint. The aim is to try to sort out any problems as quickly and informally as possible. In some cases a word with an appropriate member of staff is all that is needed. You may address your concerns to any member of staff, it is a good idea to make a note of who you spoke to and how the matter was dealt with. It is useful to have a record of this, should you wish to take the matter further later. If you do not wish to speak to a member of the 'frontline' staff, or you are not happy with how they dealt with your concerns, you can direct your complaint to the hospital's Director of Clinical Services, or to the Chief Executive. You can make your complaint verbally initially, but it is important that you confirm your complaint in writing. If your complaint is about a Consultant /Independent Practitioner, you should address it to both the Consultant/Independent Practitioner and to the hospital.

Can I act on someone else's behalf - and they on mine?

If you feel anxious about making a complaint yourself, you can always ask a relative or friend to do so on your behalf. However, to ensure that such an individual is a legitimate representative and making the complaint with your knowledge the hospital will require your written consent to this course of action. You should be aware that you are waiving your right to confidentiality of your own clinical information, by sharing this with the person acting on your behalf. Likewise, if you are unhappy with the way a friend or relative has been treated, you may make a complaint for them. However, you will need their permission in writing to do this. Consent is not needed in situations where the person is not able to consent (for example, if the person is very young or too ill, or if the person has died, when the Access to Health Records Act 1990 applies).

What should I include in my letter?

You do not need to write a long and very detailed letter, but you should include all the points you wish to address, for example:

- Who or what has caused your concerns. Try to make clear the most important points. If you are complaining about a member of staff, give their name and position if you know it
 - When the events took place
 - What action you have already taken, if anything
 - What outcome you wish to achieve from your complaint
- What happens after you have sent your letter of complaint to the hospital is described in more detail on page 5

Can I access my medical records?

You have the right to see your health records under the Data Protection Act 1998. However, please note that access to health records can be refused if disclosure is likely to cause mental or physical harm to you or some other person. A fee may, depending upon the circumstances, be charged for granting access to health records that are being automatically processed, or to accessing a mixture of manual and automated records.

Should I keep a written record?

It can be helpful for you to keep an accurate record of events. Keep a record of:

- Any papers and correspondence relating to the complaint
- Any telephone calls you have had, including the date of the call, to whom you spoke and what the call was about
- Any visits or meetings together with details of what was discussed

Local resolution - stage 1

The New Victoria Hospital Complaints Code of Practice provides clear time frames within which we operate. The Chief Executive or Director of Clinical Services will send you a written acknowledgement within two working days of receipt of your complaint (unless it is possible to send you a full reply within five working days). We will always send a full written response within twenty working days of receipt of your complaint. Unless your complaint is still being investigated in which case, you will be sent a letter explaining the reason for the delay and you will receive a response within five days of the hospital reaching a conclusion. Occasionally it may take even longer than this to carry out a full and thorough investigation particularly if your complaint is very complex. In such situations as stated above, we will let you know the reasons for the delay and tell you when we anticipate being able to respond. In any event, you will receive a holding letter every twenty working days pending a decision being reached. In looking into your complaint, we may sometimes telephone you to talk to you about your concerns or offer to meet you.

What should I do if I am offered a meeting?

Before attending a meeting it is a good idea to discuss the arrangements.

- Consider asking what form the meeting is likely to take so that you are well prepared
- Discuss who is likely to be at the meeting, and who will lead it
- Discuss who you would like to be there on your behalf. If there is someone you do not wish to see let us know (for example, some people may not wish to meet the person about whom they are complaining, whereas others may feel it is important for them to be present)
- Ask where the meeting will be held and how long it will be. If you have views on this, we will take them into consideration
- If you have particular questions to which you would like answers, tell us in advance so that we can seek out the information or make sure that the right staff are at the meeting. It is a good idea to bring a copy of the questions to the meeting so that you can remember what they are
- Consider if you would like a copy of any notes made at the meeting and make notes yourself as it is easy to forget what has been said
- You may wish to bring a friend or relative with you to the meeting. It can be helpful to have someone with you to give you support. It is also useful to be able to talk to them afterwards to go over what was said and to think about what to do next. Make sure they know the questions you want to ask and what you want to achieve. If you plan to bring someone with you please inform us in advance of the meeting
- After the meeting, if no further action is proposed we will send you a full written response concerning local resolution. This will also tell you what to do next if you are still not satisfied

What happens if I am not happy with the response?

If you are not happy with the response to your complaint, let the Chief Executive or Director of Clinical Services know that you are still not satisfied and explain why. Normally, you will be expected to have completed each stage of the complaints Code of Practice before you can proceed to the next stage. However, if you feel that the local investigation of your complaint is not being managed suitably (for example, you feel it is taking an unduly long time) you may request an internal appeal.

Internal appeal - stage 2

If you wish to request an internal appeal, you should do so within 20 working days of the date of the final written response. Your request should be made in writing, but in exceptional circumstances, it is acceptable for it to be made verbally. The Internal Appeal Stage is the responsibility of a Member of the Board of Directors (Independent Director) of the hospital, unconnected with the matter. The hospital Independent Director will consider the complaint and may undertake a review of the correspondence and the handling of the issue. He will then either confirm the decisions and actions of the Chief Executive or offer an alternative resolution. In the event that the hospital Independent Director confirms the decision or you are not satisfied with the alternative resolution offered - you have the right to refer the matter to independent external adjudication. You need to do this within 25 working days of receiving the response. The hospital Independent Director will explain how you can request the Independent Sector Complaints Adjudication Service in his final letter to you at the completion of stage two.

Independent adjudication - stage 3

If you are dissatisfied with the results of the internal appeal or if the hospital director rejects your complaint under the internal appeal you have recourse to external adjudication. You need to write to the secretariat for the Independent Sector Complaints Adjudication Service Code of Practice, the address of which appears at the end of this section, within 25 working days of receiving the hospital director's final letter in which he reminds you of this right.

A Principal Adjudicator has been independently appointed from outside the Independent Healthcare Advisory Service and its membership, as a co-ordinator of the Independent Sector Complaints Adjudication Service Code of Practice. If the Principal Adjudicator decides to hear your case, a panel will be convened to review your complaint. You have the right to object to the appointment of a member of the panel if you believe the person has a conflict of interest or inappropriate prior knowledge of your complaint. Following a hearing at which your and the hospital's evidence will be heard, the panel will notify you of its decision as soon as possible, but in any case within 60 working days from the end of the panel hearing. If the complaint is upheld, the panel also decides what remedial action (including compensation, if appropriate) is necessary. It is important that you are aware of the following principles relating to the Independent Sector Complaints Adjudication Service Code of Practice:

- You pay no entry fee to access or participate in the Independent Sector Complaints Adjudication Service process
- Before participating in the process, you will be asked to sign a Participation Letter, which explains the principles of the process

- The ICAS external adjudication process is the final stage of the complaint resolution process and there is no appeal on the adjudicator's decision. If you remain dissatisfied, you retain the right to seek a legal remedy
- Any payment accepted by you is considered to be in full and final settlement of all matters arising from the issues raised in the complaint and may be taken into account by a Court should you then raise a legal action
- The Principal Adjudicator has the right to reject cases without a panel hearing
- The Principal Adjudicator may order one party to make a contribution to the other party's expenses, for example where one party's expenses have been aggravated by the frivolous or vexatious conduct of the other
- The adjudication process is intended to bring about a final resolution of the complaint for both parties, however, although the decision of the adjudicator is binding on the hospital it is not binding on you. Participation in this process does not, therefore, prejudice your right to refer the issue to the courts although account will be taken by the Court of any ex gratia amount paid to you under the adjudication

Please write to the Secretariat for the Independent Sector Complaints Adjudication Service Code of practice at:

Independent Sector Complaints Adjudication Service
Independent Healthcare Advisory Services
Centre Point, 103 New Oxford Street,
London WC1A 1DU

What should I include in the letter?

The letter should include the following:

- Adequate details of your complaint. You can make use of the letter you wrote at stage one if you so desire
- Copies of all documents, correspondence or clinical records that you wish the Principal Adjudicator to consider
- What outcome you would like to achieve

In addition, the hospital's complaints Code of Practice and the Sector's Code permit (but do not require) the use of mediation as an alternative to stage 3, where both parties are agreed that this is the preferred format for the resolution of matters between them. It should be emphasised that mediation is only appropriate in cases where both parties wish to use it. By electing for mediation, the option of Independent Sector Complaints Adjudication Service is removed – whether or not the mediation is concluded.