



Making a Complaint a guide for patients



Exceptional care for your health

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How do I complain

New Victoria Hospital prides itself on providing patients with the best available hospital care and is a member of the Association of Independent (AIHO), which represents over 200 hospitals that provide services to insured, self-paying and NHS-funded patients.

There may be times however, 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, it is your right to have your concerns investigated and to be given a full and prompt reply.

The Independent Sector Complaints Adjudication Service (ISCAS), has been established for a number of years and provides the Code of Practice for Complaints Management, outlining the framework of managing complaints within the independent sector.

We recognise that complaints provide an opportunity to examine the hospital services and ensure a culture of continuous quality improvement. The Hospital Complaints Policy 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 New Victoria Hospital, this guide tells you about the hospital policy and gives you advice about how to get the most out of the ISCAS Code to achieve a satisfactory response.

What do I want to achieve?

Before making a complaint, it is important to think about what you want to achieve.

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

How do I start?

The Hospital Complaints Policy has three progressive stages:

- Local Resolution
- Internal Appeal
- Independent External Adjudication

At the local resolution stage, the hospital 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 a member of the hospital's Executive Team. 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).

You can make your complaint verbally initially, but it is important that you confirm your complaint in writing.

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 6

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

New Victoria Hospital's Complaints Policy provides clear time frames within which the hospital operates. A member of the Executive Team will send you a written acknowledgement within three working days of the receipt of your complaint (unless it is possible to send you a full reply within five working days). You will always receive 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 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 any special challenges for moving, seeing or hearing make them known to the Registered Manager
- 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 6 months of the date of the written response from Stage 1. 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 (Investigating Director) of the hospital, unconnected with the matter. The hospital Investigating Director will consider the complaint and may undertake a review of the correspondence and the handling of the issue. They will then either confirm the decisions and actions of the Stage 1 response or offer an alternative resolution. In the event that the hospital Investigating Director confirms the decision made at Stage 1 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 6 months of receiving the response. The hospital Investigating Director will explain how you can request the Independent Sector Complaints Adjudication Service in their final letter to you at the completion of Stage 2.

Independent adjudication - Stage 3

If you are dissatisfied with the results of the internal appeal, you have recourse to external adjudication. You need to write to the Secretariat for the Independent Sector Complaints Adjudication Service (ISCAS) within 6 months of receiving the hospital Investigating Director's final letter in which they remind you of this right. The address for ISCAS appears at the end of this section.

Independent Adjudicators are independent of the hospital. Following a thorough investigation at which your and the hospital's evidence will be heard, the Independent Adjudicator will notify you of their decision as soon as possible, but in any case within 20 working days of being in a position to do so.

If the complaint is upheld the Independent Adjudicator 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 external adjudication procedure.

- You pay no entry fee to access or participate in the independent external adjudication procedure
- There is no guarantee that the Adjudicator will uphold any financial offer you may have had from the hospital at Stage 1 or 2 - everything will be considered a fresh
- Before participating in the procedure you will be asked to sign consent documentation, which explains the principles of the process
- Before participating in the procedure you must agree that the Independent Adjudicator's decision will be the final resolution of all the matters you have raised in your complaint

- If you accept any payment offered by the procedure, you must accept it in full and final settlement of your complaint
- There is no appeal from the independent external adjudication procedure
- The Independent Adjudicator's decision, although final in terms of the complaints procedure does not affect your statutory rights

Some cases will, because of the seriousness of the issues raised and their potential for legal compensation not be suitable for being managed under the ISCAS Code. However, the Adjudicator may still be able to consider those aspects of the complaint that do not relate to clinical negligence. If you think that you might fall into this category, contact the ISCAS Secretariat.

Please write to:

The Secretariat
Independent Healthcare Sector
Complaints Adjudication Service
70 Fleet Street
London
EC4Y 1EU

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 Complaints Policy and the ISACS 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.

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. 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 patients' clinical records for a period of eight years (or until 25 years of age for children), but in any event, the hospital will not entertain a complaint more than three years after the event.



Useful addresses

Association of Independent Healthcare Organisations

1 King Street,
London EC2V 8AU
Telephone: 020 3713 1740
Email: info@aiho.org.uk
www.aiho.org.uk

Independent Healthcare Sector Complaints Adjudication Service

70 Fleet Street
London EC4Y 1EU
Telephone: 020 7536 6091
Email: info@iscas.org.uk
www.iscas.org.uk

CQC National Customer Service Centre

Citygate,
Gallowgate
Newcastle upon Tyne
NE1 4P
Telephone: 03000 616161
www.cqc.org.uk

The Patients Association

PO Box 935
Harrow
Middlesex
HA1 3YJ
Telephone: 020 8423 8999
Email: helpline@patients-association.com
www.patients-association.org.uk



For further information on the extensive range of treatments and services we offer at New Victoria Hospital, please visit our website.

www.newvictoria.co.uk

Tell us what you think

We welcome suggestions to improve this leaflet.

If you would like further information please contact us on:
Telephone: +44 (0) 20 8949 9000
Facsimile: +44 (0) 20 8949 9099
Email: enquiries@newvictoria.co.uk

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Registered Charity No. 1141784



New Victoria Hospital is accredited for the quality of its service with CHKS Healthcare Accreditation and Quality Unit and is certified ISO 9001:2008.