

POLICY AND PROCEDURE FOR THE MANAGEMENT OF COMPLAINTS

| | |
|-------------------------|------------|
| Author(s) | Paul Hurst |
| Version Number | v1.0 |
| Document effective from | 31/10/2022 |
| Next review due | 30/10/2025 |

| | | |
|--|---|----------------|
| Intended audience | All Manx Care employees and commissioned service providers | |
| Superseded documents | This policy replaces all policies and procedures for complaints management handed over from the DHSC to Manx Care: DHSC Complaints Policy and Guidance DHSC Community Care Directorate Complaints Policy DHSC Hospital Complaints Policy | |
| Stakeholders consulted prior to ratification | Operational Clinical Quality Group Operational Care Quality Group | |
| Ratified by | Quality, Safety & Engagement Committee | Date: 18/10/22 |
| Cross Reference | <ul style="list-style-type: none"> • Manx Care Act 2021 • National Health Service (Complaints) Regulations 2022 • Social Services (Complaints) Regulations 2022 • Social Services for Children (Complaints) Regulations 2022 • Health and Social Care Ombudsman Body (Constitution, Etc.) Regulations 2022 • Manx Care Duty of Candour Operational Policy 2021 • Manx Care Policy for Capacity, Best Interests Decisions and Deprivation of Liberty 2022 | |
| Changes made during latest review | This policy and associated procedure reflects changes to Manx Care's complaint handling arrangements arising from the enactment of the Manx Care Act 2021 and the introduction of the Complaints Regulations 2022 detailed above. | |

1. INTRODUCTION

The Manx Care Act 2021 enabled the transfer of operational health and social care services previously provided by the Department of Health and Social Care (DHSC) to Manx Care on 1 April 2021. The Act facilitates implementation of the recommendations of Sir Jonathan Michael's 2019 independent review into the Isle of Man's health and care system.

The transfer of responsibilities and amendment to previous Complaints Regulations has necessitated a review of complaint handling arrangements in order to clearly define the responsibilities of Manx Care and its contracted providers.

Following public consultation three amended sets of regulations, implemented on 31.10.22, enabled the implementation of one process for the management of all complaints received by Manx Care:

- National Health Service (Complaints) Regulations 2022
- Social Services (Complaints) Regulations 2022
- Social Services for Children (Complaints) Regulations 2022

2. PURPOSE

The purpose of this policy is to provide a clear, fair, consistent and accessible process for handling complaints received about Manx Care and its commissioned service providers. This policy principally addresses the issue of complaints; however it should be noted that Manx Care also receives feedback in the form of concerns, comments and compliments.

Manx Care is committed to improving the quality and experience of all aspects of care provided by the organisation. All feedback, whether deemed positive or negative, from patients / service users, carers and members of the public is welcomed and actively used to inform service improvement at every level.

3. SCOPE

The Policy applies to all Manx Care staff, its commissioned agents / service providers and others acting under its prescribed authority.

The process elements outlined in this policy (including the appendices) concerning how a complaint is centrally received, logged, allocated and monitored specifically relates to complaints about services directly provided by Manx Care. Commissioned services have responsibility for the implementation and management of comparable processes within their relevant practice / service area.

Every individual undertaking work on behalf of Manx Care is required to cooperate fully in the handling and investigation of concerns and complaints.

4. OUT OF SCOPE

This policy does not apply to members of staff wishing to make a complaint about another member of staff. The Office of Human Resources and/or line manager should be contacted for advice in such circumstances; alternatively other procedural documents should be considered, for example the Fairness at Work Policy, Grievance Procedure or Whistleblowing Policy.

In addition, the Regulations and this policy do not apply to:-

- a complaint previously investigated under previous Complaints Regulations;
- a complaint made by a service provider regarding a contractual matter;
- patients detained under the Mental Health Act (refer to section 14 of the policy) where the complaint is concerned with a patient's detention;
- a complaint arising from an alleged failure to comply with a data subject request under the applied GDPR; and

- a complaint arising from an alleged failure to comply with a request for information under Freedom of Information Act 2015.

5. ROLES and RESPONSIBILITIES

| | |
|--|---|
| Chief Executive Officer | Designated senior officer with responsibility for ensuring compliance with the Regulations. |
| Manx Care Executive Directors | Responsibility for ensuring adequate resources are available to discharge duties identified in the Complaints Regulations. |
| Head of Care Quality and Safety | Designated responsibility for managing the procedures for handling, considering and disposing of complaints and for providing assurance via Manx Care's governance process. Responsible for ensuring adequate training is available to all Manx Care employees, both in terms of awareness and complaints handling. |
| Care Quality and Safety Team | Responsible for receiving and logging complaints and for monitoring compliance and reporting of same via Datix to individual care groups, meetings and committees. |
| Care Group Triumvirates / Leadership Teams | Responsible for compliance with the Regulations within care groups, the delegation of Complaints Handlers / Investigators and the implementation of action plans linked to investigation outcomes. |
| Ward / Unit / Team Managers | Responsible for complaint handling and investigation and the implementation of action plans. |
| All Manx Care employees | All employees are required within the Regulations to have an awareness of the complaints procedure in order to advise potential complainants about how to complain. |

6. AIMS/OBJECTIVES

This policy aims to deliver a positive outcome for patients / service users and / or carers who have registered a complaint. In order to achieve a positive outcome Manx Care will:

- ensure that the process to register complaints is fair, consistently applied and accessible for all;
- use information from complaints to improve the standard and quality of services;
- ensure that rights to confidentiality and privacy are respected; and
- support staff who may be the subject of or involved in a complaint.

Manx Care will provide each complainant with an opportunity to:

- discuss their complaint and its management with the relevant professional / care team;
- be informed, as far as is reasonably practicable, on the progress of the investigation whilst it is undertaken;
- have a written response following the investigation; and
- be offered the opportunity to meet with appropriate staff to discuss investigation outcomes / learning and any changes to be made to services as a result.

In all cases Manx Care will:

- Fully support people through the complaint’s process;
- treat a person making a complaint as an individual; acknowledging their right to make a complaint and ensuring that they feel able to complain without fear of reprisals or retribution; and
- signpost the complainant to advocacy services for independent support.

7. DEFINITIONS

| Title | Definition |
|---|--|
| Complaint | An expression of dissatisfaction about the standards of service which affects an individual patient / service user or any other person who is affected, or likely to be affected by any act, omission or decision of Manx Care and / or commissioned service providers. |
| Complaints Manager | Responsible for managing the procedures for handling, considering and disposing of complaints. For Manx Care this is the Head of Care Quality and Safety. |
| Complaints Regulations | Referred to throughout the document as “the regulations”: <ul style="list-style-type: none"> • National Health Service (Complaints) Regulations 2022 • Social Services (Complaints) Regulations 2022 • Social Services for Children (Complaints) Regulations 2022 |
| Complaint Handler | The responsible person who is allocated to oversee and coordinate the complaint investigation. |
| Complaint Investigator | Responsible for investigating the complaint and reporting to the Complaint Handler. |
| Compliment | An expression of satisfaction about an experience, service or an individual. |
| Concern/Informal Complaint | An issue with the potential to become a formal complaint which may be resolved informally within 3 working days by MCALS or the local service. |
| Health and Social Care Ombudsman Body | Body established by the Health and Social Care Ombudsman Body (Constitution, Etc.) Regulations 2022 with members appointed by the Appointments Commission to provide independent review of complaints where local resolution has not been successful. |
| Quality & Safety Risk Management System | Manx Care uses Datix for the recording of patient / service user feedback in the system’s Feedback Module; including complaints, concerns and compliments. |
| Responsible Person | Identified person with responsibility for ensuring compliance with the Regulations. In the case of Manx Care this is the Chief Executive Officer. In the case of a commissioned service provider or partner this is the Chief Executive Officer of the service provider or the person responsible for managing the service provider. |

8. WHO CAN COMPLAIN?

A complaint can be made by:

- An existing or previous patient/service user
- The representative of a patient/service user/child (i.e. a person acting on their behalf with consent)
- The representative of a patient/service user/child who does not have the capacity to make a complaint themselves, as long as they are seen to be acting in the best interests of the patient/service user/child
- Any person who is affected, or likely to be affected, by the action, omission or decision of Manx Care or a commissioned service provider
- A relative/representative of a patient/service user/child who is deceased (where it is deemed that undertaking an investigation would be beneficial, particularly in terms of learning opportunities and improved services for future patients/service users)

9. HOW CAN COMPLAINTS BE RAISED?

A complaint can be made orally, in writing or electronically (for example by email) to any Manx Care employee (for complaints concerning services provided directly by Manx Care) or to any employee of a commissioned service provider (for complaints concerning a commissioned service provider).

Complaints concerning services provided directly by Manx Care should be directed to the Care Quality and Safety Team who have established one central access point for complaints via a dedicated email address, postal address and telephone number:

Address: Care Quality and Safety Team
First Floor, Reayrt Noa
Noble's Hospital
Strang
Isle of Man
IM4 4RJ

Email: manxcarecomplaints@gov.im

Telephone: (01624) 650500

Appendix 1 outlines the standardised process for the management of complaints and Appendix 2 for the management of third party complaints, capacity and consent.

When receiving a complaint it is important to be respectful of individuality and the different means by which people express themselves. If an oral complaint is received for example, we need to ensure we make a written record, check accuracy with the complainant and ask for signed approval.

Complainants may, in some cases raise their concerns via the media or through web based forums. In these cases it may not be possible to investigate the individual concerns; however, if contact details are available, the individual may be contacted by the Manx Care Advice and Liaison Service (MCALS) or the Care Quality and Safety Team to ascertain if they would like their concerns to be investigated formally within the complaints procedure.

Manx Care's Communication's Team should be contacted for advice regarding any complainants who air their grievances via social media platforms.

10. GRADING OF COMPLAINTS

Generally speaking, informal complaints (concerns) should be resolved within **3 working days** by the local service or MCALS. Where this is not possible, or if more complex issues arise during initial investigation, these should be re-graded as formal complaints.

There will be occasions where the complainant requests that their complaint is dealt with as a formal complaint from the outset; in which case a Complaint Handler will be appointed.

Complaints which raise complex issues or which require a detailed or lengthy investigation will generally be graded as formal.

11. MEETING WITH COMPLAINANTS

To comply with Regulations, all complainants **must** be offered a meeting to discuss their concerns at the start of the investigation and wherever possible at the end to feedback outcomes. Meetings should include members of staff who are involved in the investigation of the complaint and be coordinated by the Complaint Handler with support from the CQS Team. It is good practice to keep a record of meetings with the complainant and to share same with the complainant.

12. TIMESCALES FOR ACKNOWLEDGING AND RESPONDING TO COMPLAINTS

Formal complaints must be acknowledged within **5 working days of receipt** of the complaint. Acknowledgement should be made in writing (by letter or by email where the complainant has expressed such a preference) using the letter template in Appendix 4, accompanied by Manx Care's Complaint Leaflet. Acknowledgment letters for oral complaints should include a summary of the complaint for the complainant to check. Manx Care / commissioned service providers must invite the complainant to sign and return the written record.

On occasions where it is determined the complaint is not consistent or compliant with the scope of the Regulations, Manx Care will advise the complainant of the reasons why in writing.

The Care Quality and Safety Team are the central point of access in Manx Care for the receipt, logging (on Datix) and issuing of the acknowledgement letter and leaflet to complainants for complaints concerning services delivered directly by Manx Care. For commissioned services please refer to section 18.

Complainants should receive a response to their complaint within **20 working days** of receipt. For straightforward complaints this will ordinarily be the final response. If it is not possible to issue a final response within 20 days, complainants will be issued with an update/holding letter (see Appendix 6 template).

When complaints are unlikely to be investigated fully within 20 working days due to their complexity the Complaint Handler should discuss this with the complainant. The complaint record on Datix should clearly detail any extension that has been agreed. All complainants should receive a final response letter (see Appendix 7 template) within **6 months** and if this is not achieved the complainant must be notified in writing of their right to refer their complaint to the Health and Social Care Ombudsman Body for independent review.

Where it is not possible to contact the complainant directly, a letter advising on a proposed extension to the agreed deadline; along with reasons for the delay, should be sent and recorded in Datix.

Where the complainant does not agree to the extended timescale, a response letter will be drafted addressing as many issues as possible and identifying which issues remain under investigation.

One of the key factors in successful complaint's management is effective communication and with this in mind the allocated Complaint Handler should keep the complainant informed of progress throughout the investigation.

13. RECORDING OF COMPLAINTS

All complaints concerning services directly provided by and / or decisions made by Manx Care will be recorded in the Feedback Module in the Quality and Risk Management System (Datix). Each record, with its own unique identifying reference number, will track the progress of each complaint and act as the central repository for any information linked to that complaint, inclusive of all emails, letters and reports. All documents relating to the complaint must include the unique COM reference number for identification purposes.

Complaints **must not** be uploaded to or included in the patient's/service user's medical record/care record, either in digital or paper format. Datix is used as the central repository for all complaints in order to maintain the integrity of care records, maintain confidentiality and in recognition of the distinction between the management of formal complaints under the Regulations and the provision of care.

14. INVESTIGATION

The level of investigation required will depend on the complexity of the complaint and the level of expertise required. Informal complaints (concerns) will be logged and investigated at service level by Ward Managers/Unit Managers/Front Line Managers and/or by MCALS. The analysis of concerns may prove valuable over time in terms of emergence of themes and trends. Logged concerns can be upgraded to a formal complaint if required within Datix. Where this is the case the care group/MCALs should notify the CQS Team.

Formal complaints of a serious nature (which may have contributed to patient/service user harm for example) will require an investigation led by a senior manager or senior clinician/practitioner with complaints handling experience/training. There may be occasions when an external expert opinion is required.

An effective complaint investigation is dependent on the following factors:-

- Consideration of who is best placed to undertake the investigation:
 - consider conflicts of interest
 - opportunity to maximise learning
 - consider current workload (ability to complete in time)
- Planning and a structured approach:
 - consider the scope/terms of the investigation
 - identify sources of evidence
- Communication – keep the complainant up to date throughout the course of the investigation

- Focus on the issues raised/avoid scope drift
- Concentrate on the evidence/facts, avoid speculation
- Work to time frames
- Remain objective

Where a complaint involves several Manx Care services it might be necessary to appoint additional Complaint Investigators. Each investigator will share their findings with the Complaints Handler who is responsible for coordinating the overarching response.

Staff members identified as being involved in a complaint must be advised of any specific matters that relate to their practice in order to facilitate a response. All Manx Care staff and commissioned service providers are expected to engage in the complaints process and will be supported to do so by line management.

15. COMPLAINTS CONCERNING DETENTION UNDER THE MENTAL HEALTH ACT

If a patient makes a complaint regarding the Integrated Mental Health Service (IMHS), and they are detained under the Mental Health Act 1998, the Mental Health Commission (MHC) do not need to be automatically advised of the complaint; however the patient does have the option of approaching the MHC in the first instance if they so wish. The MHC should be made aware of the complaint if the patient is not satisfied at the local resolution stage when investigated by the IMHS. The MHC may then conduct an investigation of the complaint. If the complainant is not satisfied with the local resolution response from the MHC they then have the option to escalate the complaint to the Health and Social Care Ombudsman Body for further review.

If a patient complains about their detention under the Mental Health Act 1998, this cannot be investigated under the Complaint's Procedure. In such circumstances the patient must be advised of the process to make an application to the Mental Health Review Tribunal (MHRT).

Further advice regarding this process can be obtained from the Mental Health Act Lead.

16. STANDARD OF FINAL RESPONSE LETTERS

A standardised complaint final response letter can be found at Appendix 7. Manx Care strive to provide complainants with a response which:

- is of high quality, easy to read and factually correct;
- avoids the use of medical/technical jargon;
- fully addresses the issues raised by the complainant;
- clearly indicates if the complaint or parts of the complaint are upheld or not;
- provides a full explanation of treatment/care given (relating to the complaint); and
- apologises for any shortcomings identified during the investigation.

Put simply, complaint responses should explain what happened, why it happened and what we have done or are going to do to prevent the same thing from happening again.

The response should include:

- A record of thanks to the complainant for bringing the matter to the attention of the service
- An apology that the complainant had cause to complain

- An expression of condolence where bereavement has occurred
- An explanation of the reasons for any failure in service
- Actions implemented to improve the service as a result of the complaint
- A response to each issue or question raised by the complainant and a clear indication if the complaint is upheld, partially upheld or not upheld
- An apology for each concern raised where the service did not meet the complainant's expectations.
- Reassurances that the complaint has been taken seriously
- An offer of a meeting/further meeting to discuss the response/outcome of the investigation
- A paragraph informing the complainant of their right to refer to the Health and Social Care Ombudsman Body
- Where a complaint takes longer than 6 months to complete local resolution, a separate letter should be sent to the complainant informing them of the right to immediately refer to the Health and Social Care Ombudsman Body

Any Manx Care employee directly involved in the complaint will be provided with an outline of the findings and recommendations specific to their practice so opportunities for learning can be maximised.

17. PROCESS FOR HANDLING JOINT COMPLAINTS BETWEEN SERVICES/ORGANISATIONS

It is not uncommon for a complaint to span several services provided by Manx Care. In such circumstances one Complaint Handler will be appointed to take the lead role in coordinating the complaint in order to provide the complainant with a single response. The Complaint Handler may choose to identify/appoint several Complaint Investigators to investigate specific elements of the complaint.

It should be made clear to the complainant who their point of contact is throughout the investigation phase (ordinarily the Complaint Handler) and they should be advised they will receive one response which incorporates all of the investigation outcomes.

Where a complaint spans services provided by Manx Care and a commissioned service provider, the elements covering services provided directly by Manx Care will be coordinated and investigated by Manx Care, whereas the elements covering services provided by the commissioned service provider will be coordinated and responded to by the commissioned service provider's Complaints Manager. Agreement should be reached between the respective Complaint Handlers about whether a response will be issued jointly or separately.

18. COMMISSIONED SERVICES

Complaints may be received from patients/service users, their relatives and/or carers who are receiving care from a commissioned service provider. All Manx Care's commissioned service providers (e.g. GPs, Dentists, Pharmacies, Care Services) are obliged to follow the Complaints Regulations and this includes the regular supply of data to Manx Care concerning complaint activity for the purposes of contractual management and Manx Care's annual complaint's report.

Each local commissioned service provider must have a named Complaints Manager and in the event that a complaint is submitted to Manx Care about a commissioned service provider Manx Care will redirect the complaint to the named Complaints Manager for that service/practice.

If, after the commissioned service has investigated the complaint (and reported its findings) the complainant is still not satisfied with the outcome; they should be advised by the commissioned service provider of their right to refer their complaint to the Health and Social Care Ombudsman Body for their complaint be independently investigated.

Where a complaint is concerned with off Island care or treatment directly provided by a commissioned service then the complaint would be subject to investigation under the regulations and policy of that jurisdiction.

19. COMPLAINTS INVOLVING ALLEGATIONS OF SUSPECTED OR ALLEGED ABUSE

If a complaint is received that involves suspected or alleged abuse of a patient/service user within Manx Care or a Manx Care commissioned service the relevant Safeguarding Procedure should be followed.

If the incident involves a regulated care provider (under the Regulation of Care Act) the incident must also be brought to the attention of the Registration and Inspection Unit (R&I) in writing by the regulated provider using R&I's prescribed Notification of Event form.

In the event of an allegation of abuse, Manx Care's procedures in respect of Child/Adult Safeguarding/Protection takes precedence and the matter must be dealt with in accordance with the respective policy.

20. CONFIDENTIALITY, CONSENT AND THIRD PARTY COMPLAINTS

The patient's/service user's/complainant's right to confidentiality must be respected at all times and compliance with the General Data Protection Regulation (GDPR) maintained throughout the complaint process.

Personal clinical, medical or care information must not be disclosed to a person complaining on behalf of a patient/service user unless the patient/service user has provided written consent for that person to act on their behalf; or it is clear that the patient/service user, through death, illness or infirmity (physical or mental incapacity), is unable to act for himself/herself. In addition, consent does not extend to the disclosure of all personal information, but only that relating to the complaint and it is good practice to check with the patient/service user if there is anything specific (relating to the complaint) that they do not want to be shared.

Appendix 3 is the standard Consent to Share Personal Data Form which is used to gain consent to share personal data with a third party who is acting on an individual's behalf and Appendix 5 is the standard acknowledgment letter template for third party complaints. Once this form has been signed by the patient/service user it is valid for the duration of the complaint; unless revoked by the patient/service user.

Where the patient/service user is deceased or lacks capacity, the Complaint Handler (in conjunction with the Operational Manager/Service Lead/Clinical Team) must satisfy themselves that the complainant has a valid reason for pursuing personal/medical information relating to the individual and is acting in the best interests of those who lack capacity. In the case of a deceased patient/service user, consideration should be given to whether an investigation may result in service improvements that will benefit other users.

Where a representative makes a complaint on behalf of a child, Manx Care or the commissioned service provider must not consider the complaint unless satisfied that there are reasonable grounds for the complaint being made by the representative instead of the child. Where reasonable grounds have not been identified, the representative must be notified in writing of any decision and the reason for it.

The duty of confidentiality also extends to third parties that are not health professionals who provide personal information contained in patient's/service user's records. The written consent of the third party will be required before such information is disclosed to the patient/service user or complainant.

There may be occasions where the complainant asks for copies of the complaint response to be sent to other parties such as relatives, carers or elected members of Tynwald. In such cases it is good practice to include additional copies of the response letter for the complainant to take responsibility to distribute as it is their information and their decision as to who they wish to share the outcome with.

Where doubt exists advice should be sought from Manx Care's Information Governance Team, Care Quality and Safety Team or the Caldicott Guardian before personal information is disclosed.

21. LEARNING FROM COMPLAINTS

Manx Care is committed to learning from complaints and, where appropriate, will make changes in response to them. In order to enable the extraction of data, the Investigation and Findings tab in Datix must be completed upon conclusion of a complaint investigation, ensuring that the outcome field, actions taken field and the learning sections are completed.

Each quarter a report providing information on themes, trends and learning from complaints and any significant changes which have been made or will be made as a result of complaints, will be submitted to the Operational Clinical Quality Group / Operational Care Quality Group and then on to the Quality, Safety and Engagement Committee for assurance purposes.

22. HEALTH AND SOCIAL CARE OMBUDSMAN BODY

Where all efforts at local resolution have been exhausted but the complainant remains dissatisfied, the complainant may refer their complaint to the Health and Social Care Ombudsman Body (HSCOB) to have their complaint independently reviewed. If a complaint investigation goes beyond 6 months from the date of receipt, the complainant must be notified in writing of their right to refer their complaint to the HSCOB.

Correspondence issued by the Complaint Handler must contain contact details for the HSCOB and the following time scales for referring to them:

- 12 months after the date on which the complainant became aware of the matter alleged in the complaint;
- 6 months after a decision in writing has been issued;
- whichever is the later.

The HSCOB will notify Manx Care's Complaints Manager that a complaint has been referred to them and the Datix complaint record will be updated accordingly.

Upon receipt of written consent from the complainant via the HSCOB, and request for documentation, the HSCOB must be provided with the entire complaint file, associated correspondence and copies of any relevant records, which may include the patient's/service user's clinical/care records.

Upon receipt of the case file, the HSCOB will appoint a HSCOB member/convenor to review the complaint and this may be processed via a panel hearing. The relevant service will be formally notified of the decision. If a HSCOB hearing is to be set up, the HSCOB may choose to commission an external expert to advise them on the content of the complaint. The HSCOB/expert may ask questions of the staff involved during the panel hearing.

Manx Care staff and contracted service providers involved in HSCOB complaint reviews may be called to give oral evidence at a HSCOB hearing and where this is the case they may be accompanied by a colleague/representative for support.

Upon completion of the review by the HSCOB a report, signed by the Chairperson, will be sent to the complainant and the service provider that is the subject of the complaint. The report will contain review findings and where appropriate recommendations.

In response to the HSCOB report Manx Care and/or its commissioned service providers, must prepare a written statement detailing what actions will be taken to address the recommendations and the period within which matters are to be implemented. This written statement (which will ordinarily take the form of an action plan), must be sent to:-

- the Department of Health and Social Care;
- the Health and Social Care Ombudsman Body;
- and published on Manx Care's website (ensuring the removal of any information that identifies an individual)

Where Manx Care proposes not to implement a recommendation made by the HSCOB, the written statement must include the reasons and these must be publicised. The Department of Health and Social Care may, in such cases, issue a direction (in writing) to Manx Care or the commissioned service provider requiring a recommendation is reconsidered for implementation.

The Health and Social Care Ombudsman Body can be contacted via the following:-

Postal Address: Health and Social Care Ombudsman Body
PO Box 18
Douglas
Isle of Man
IM99 1UT

Email: HSCOB@gov.im

23. COMPLAINTS OF A VEXATIOUS OR HABITUAL NATURE

Advice should be sought from the Complaints Manager if complaints are perceived as vexatious or habitual in nature.

24. COMPLAINANTS AND THE MEDIA

If a complainant suggests or advises that they are going to raise a complaint about services provided directly by Manx Care with the media, the Head of the Communication's Team for Manx Care should be notified. If a complainant shares their dissatisfaction with the media, the relevant service manager/professional lead will work in collaboration with Manx Care's Head of Communications to consider an appropriate response/course of action.

25. TRAINING

In accordance with the Regulations, all Manx Care employees or those working on Manx Care's behalf (commissioned service providers), whose employment duties require them to have contact with members of the public must be able to provide complainants with information about:-

- its arrangements for dealing with complaints;
- the name of the Complaints Manager; and
- the contact details of the Complaints Manager.

Manx Care provides the above information via a general awareness module on eLearn Vannin, at local induction and more detailed complaints handling training via the Care Quality and Safety Team.

26. COMPLIANCE

Performance Monitoring, Reporting and Assurance

To monitor compliance with the Regulations and to provide assurance, the following indicators will be monitored and reported to the designated group / committee:

| Regulation | Indicator | Target | Reporting Frequency | Assurance |
|------------|---|--------|---------------------|--|
| 10 (4) | <i>The service provider must acknowledge receipt of a complaint ('acknowledgment') not later than 5 working days after the day on which the complaint was received</i> | 100% | Monthly | <ol style="list-style-type: none"> 1. Quality Dashboard 2. Operational Clinical Quality Group 3. Operational Quality Group (Social Care) 4. Quality, Safety & Engagement Committee 5. Manx Care Board |
| 11 (3) | <i>The complaints manager must prepare a written response on behalf of the service provider to the complainant, signed by the responsible person, which —</i> | 100% | Quarterly | <ol style="list-style-type: none"> 1. Operational Clinical Quality Group 2. Operational Quality Group (Social Care) 3. Quality, Safety & Engagement Committee 4. Manx Care Board |

| | | | | |
|--------|--|---|------------------------------|--|
| | <i>(b) confirms whether the complaint in full or in part is upheld;</i> | | | |
| 11 (4) | <i>The response must be sent to the complainant — (a) before the end of the period of 20 working days beginning on the day on which the complaint was made: or</i> | Update letter within 20 days: 100% 20 day resolution target: 80% | Monthly | 1. Quality Dashboard 2. Operational Clinical Quality Group 3. Operational Quality Group (Social Care) 4. Quality, Safety & Engagement Committee 5. Manx Care Board |
| 11 (4) | <i>(b) if the investigation is not completed before the end of that period, as soon as is reasonably practicable after the investigation is completed and, in any case not later than the end of the period of 6 months beginning on the day on which the complaint was made</i> | 100% | Monthly | 1. Quality Dashboard 2. Operational Clinical Quality Group 3. Operational Quality Group (Social Care) 4. Quality, Safety & Engagement Committee 5. Manx Care Board |
| 12 | <i>(b) have systems to record, analyse and report on the learning from complaints;</i> | 100% (via completion of Investigation & Findings section in Datix) | Quarterly | 1. Operational Clinical Quality Group 2. Operational Quality Group (Social Care) 3. Quality, Safety & Engagement Committee 4. Manx Care Board |
| 14 (2) | <i>a) Manx Care must prepare and give the Department an annual report (a “Manx Care annual report”) for the Department; and (b) a relevant service provider must prepare and give Manx Care an annual report (a “relevant service provider annual report”) for Manx Care.</i> | The report should be submitted no later than 4 months after the end of the reporting period | Annual | 1. Operational Clinical Quality Group 2. Operational Quality Group (Social Care) 3. Quality, Safety & Engagement Committee 4. Manx Care Board 5. DHSC |
| 14 (3) | <i>(a) specify the numbers of complaints received in relation to the services provided — (i) by Manx Care; and</i> | 100% (via Datix) | Monthly Annual Report | 1. Quality Dashboard 2. Operational Clinical Quality Group 3. Operational Quality Group (Social Care) |

| | | | | |
|--------|--|--|---------|---|
| | <p><i>(ii) on Manx Care’s behalf, by all relevant service providers;</i></p> <p><i>(b) identify the subject matter of those complaints;</i></p> <p><i>(c) identify the category of service provided under the Act, the Manx Care Act 2021 or the mandate into which the subject matter of those complaints falls;</i></p> | | | <p>4. Quality, Safety & Engagement Committee</p> <p>5. Manx Care Board</p> |
| 16 (1) | <p><i>A service provider must ensure that all staff working on its behalf whose employment duties require them to have contact with members of the public —</i></p> <p><i>(b) receive relevant training and guidance on —</i></p> <p><i>(i) the arrangements for dealing with complaints;</i></p> <p><i>and</i></p> <p><i>(ii) any services and support which may be available to complainants.</i></p> | <p>85% (compliance with eLearn Vannin complaints awareness module)</p> | Monthly | <p>1. Quality Dashboard</p> <p>2. Operational Clinical Quality Group</p> <p>3. Operational Quality Group (Social Care)</p> <p>4. Quality, Safety & Engagement Committee</p> |

27. APPENDICES

Appendix 1: Flowchart for managing complaints

Appendix 2: Flowchart for managing 3rd party complaints, capacity and consent

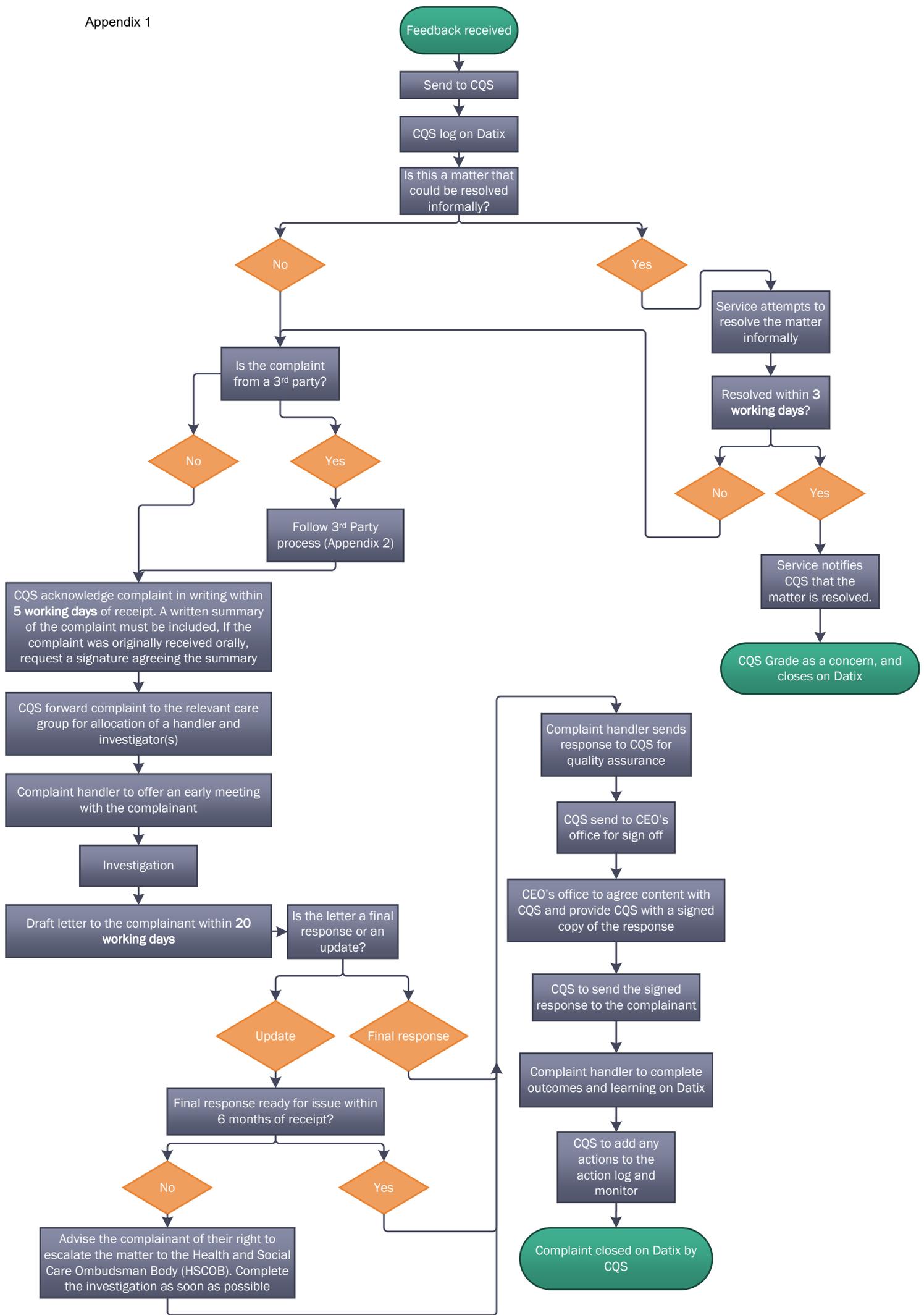
Appendix 3: Consent to Share Personal Data Form

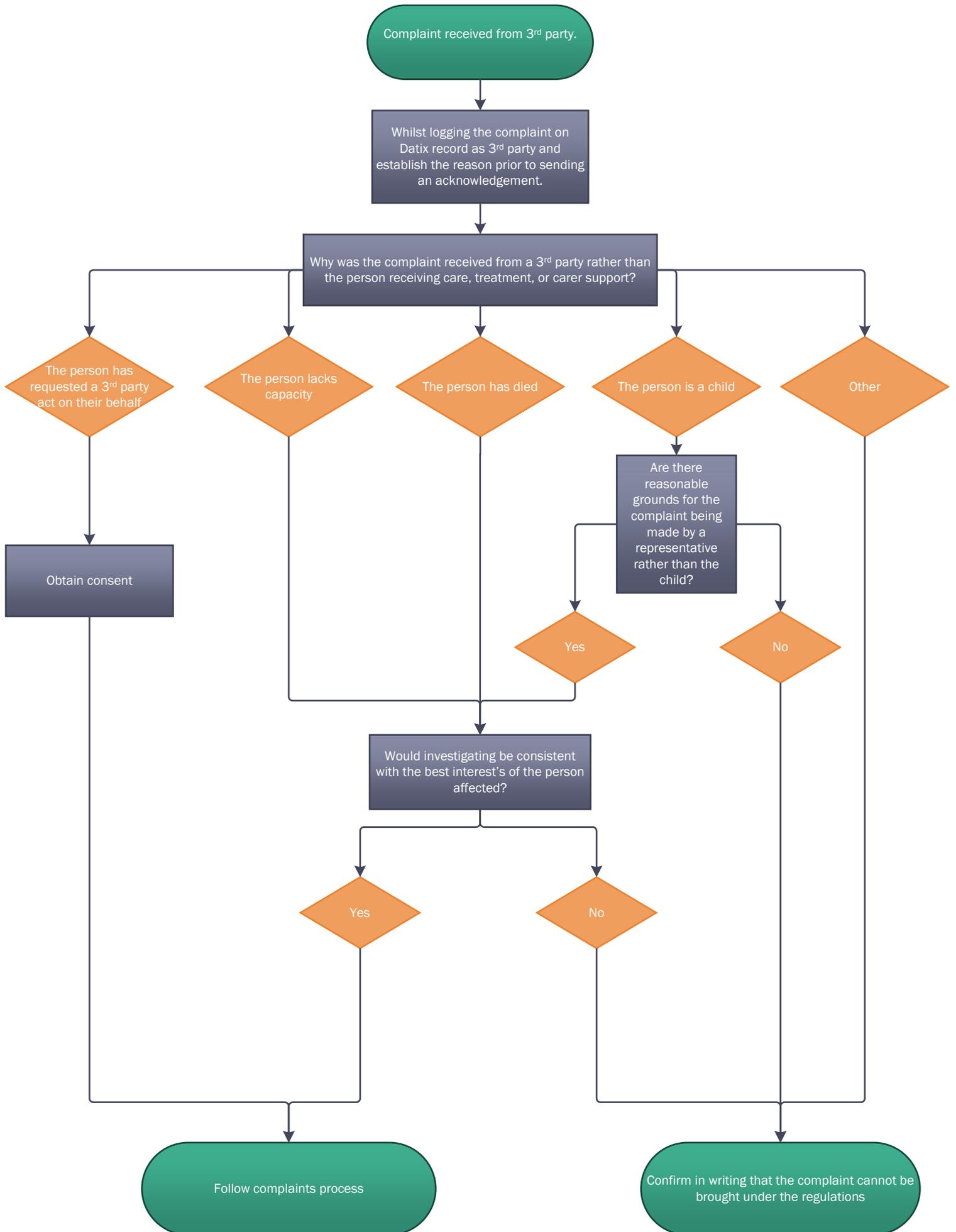
Appendix 4: Acknowledgement Letter Template

Appendix 5: Acknowledgment Letter Template for 3rd Party Complaints – consent

Appendix 6: Update / Holding Letter Template

Appendix 7: Final Response Letter Template







CONSENT TO SHARE FORM FOR 3rd PARTY COMPLAINTS

| Patient / Service User Representative Details | |
|---|--|
| Name | |
| Relationship to Patient / Service User | |
| Preferred Contact Details | |

In order to investigate and respond to your complaint Manx Care will need to refer your health and care records. By signing this form you are agreeing to Manx Care sharing health and care information relevant to your complaint with your designated representative identified above.

A Manx Care employee will contact you to confirm that you agree to the disclosure of your personal information, and to discuss any limits you may wish to place on disclosure.

| Patient/Service User Details | | | |
|----------------------------------|--|---------------|--|
| Name | | Date of Birth | |
| Service(s) Involved | | | |
| Complaint Overview | | | |
| Patient / Service User Signature | | Date | |

Office Use Only

| | |
|--------------------|--|
| Patient Identifier | |
|--------------------|--|

Care Quality & Safety Team

First Floor Reayrt Noa

Noble's Hospital

Strang

Isle of Man

IM4 4RJ

Tel: (01624) XXXXXX

Email: @gov.im

Strictly Private & Confidential / Addressee Only

Name

First line of address

Second line of address

Town

Isle of Man

Postcode

REF: **Add DATIX COM / Initials of Letter Signatory**

XX MONTH YEAR

Dear

Thank you for your email of / letter of / oral complaint **(delete as appropriate)** to **(add name)** dated **(add date)**, received in this office on **(add date)**. I am sorry that you have had cause to complain about the service we provide and we will investigate your concerns under Local Resolution of the Isle of Man National Health Service (Complaints) Regulations 2022, Social Services (Complaints) Regulations 2022, Social Services for Children (Complaints) Regulations 2022 **(delete as appropriate)**.

It is my understanding your complaint relates to.....**add brief summary.**

If an oral complaint enclose a summary for signing and return by the complainant.

Your complaint will be assigned to the most appropriate person for investigation and they will contact you directly to offer you the opportunity to meet to discuss your complaint in more detail.

We aim to write to you again within 20 working days of the date on which we received your complaint. The response at this point may be a final investigation resolution letter or it may be that the investigation period needs an extension due to complexity or the availability of witnesses for example. In either case we will keep you informed.

I have enclosed a guide to the complaint's procedure, which I hope you will find helpful. If you have any questions please do not hesitate to contact me.

Yours sincerely

Name

Role

Care Quality & Safety Team

Enc: Manx Care Complaints Procedure Leaflet

Care Quality & Safety Team

First Floor Reayrt Noa

Noble's Hospital

Strang

Isle of Man

IM4 4RJ

Tel: (01624) XXXXXX

Email: @gov.im

Strictly Private & Confidential / Addressee Only

Name

First line of address

Second line of address

Town

Isle of Man

Postcode

REF: Add DATIX COM / Initials of Letter Signatory

XX MONTH YEAR

Dear

Thank you for your email of / letter of / oral complaint **(delete as appropriate)** to **(add name)** dated **(add date)**, received in this office on **(add date)**. I am sorry that you have had cause to complain about the service we provide and we will consider your concerns under Local Resolution of the Isle of Man National Health Service (Complaints) Regulations 2022, Social Services (Complaints) Regulations 2022, Social Services for Children (Complaints) Regulations 2022 **(delete as appropriate)**.

However before we commence our investigation, by reason of confidentiality and in order to comply with the General Data Protection Regulation (GDPR), we need to obtain the patient's/service user's consent before we investigate a complaint made on their behalf.

This will indicate that **name** is happy for you to act upon their behalf and that they consent to the release of the details of the investigation to you. I would be grateful if you could ask **name** to sign the enclosed form and return it to me as soon as reasonably practicable.

I have enclosed a guide to the complaint's procedure, which I hope you will find helpful. If you have any questions please do not hesitate to contact me.

Yours sincerely

Name
Role
Care Quality & Safety Team

Enc: Manx Care Complaints Leaflet

Strictly Private & Confidential/Addressee Only

Name
First line of address
Second line of address
Town
Isle of Man
Postcode

Name
First line of address
Second line of address
Isle of Man
Postcode
Tel: (01624) XXXXXX
Email: @gov.im

REF: **Add DATIX COM / Initials of Letter Signatory**

XX MONTH YEAR

Dear

I write to provide you with an update of our investigation into your complaint received on **(add date)**.

Add update here. Include an indication of when complaint investigation is likely to be finished.

If I can be of any further assistance at this time please do not hesitate to contact me.

Yours sincerely

Name
Job Title
Service / Team

Strictly Private & Confidential/Addressee Only

Name
First line of address
Second line of address
Town
Isle of Man
Postcode

Teresa Cope
Chief Executive Officer, Manx Care
Noble's Hospital
Strang
Isle of Man
IM4 4RJ
Tel: (01624) 650157
Email: Shiona.McAllister3@gov.im

REF: **Add COM number / Initials of Letter Signatory**

XX Month Year

Dear

Thank you for your letter/email/oral complaint (**delete as appropriate**) dated (**add date**) and for bringing your complaint to the attention of Manx Care. I am sorry that you have had cause to complain about the service we provide, and in my capacity of Chief Executive Officer I write to advise you of the outcome of our investigation, conducted by **add name and job title**, into your concerns under Local Resolution of the Isle of Man National Health Service (Complaints) Regulations 2022/Social Services (Complaints) Regulations 2022/Social Services for Children (Complaints) Regulations 2022 (**delete as appropriate**).

ADD DETAILED RESPONSE HERE, INCLUDE:

- Make reference to any meetings that took place, thank the individual for their time and summarise the outcome
- A chronology of key events
- Make reference to the evidence collected, including those interviewed and the interpretation / weighting of the evidence
- Summarise the findings. Make it clear if the complaint (or elements of) has been upheld, partially upheld or not upheld
- If upheld, offer apology (and avoid saying "we are sorry, but")
- Identify learning / actions taken / to be taken / what have we changed or are going to change
- If upheld, apologise again

GENERAL POINTS

- Avoid saying "we are sorry, but.....or we are sorry, however"
- Use plain language that can be understood, avoid medical jargon, abbreviations, acronyms etc
- Be clear about what has changed as a result of the complaint or what is going to change and when
- Add a point that if there is anything in the letter that does not make sense, is factually incorrect or requires further clarification then add named contact person

CONTINUING DISATISFACTION.....include the following at the end of the letter:

I trust that the findings of this investigation have helped to answer your questions; however, if you are not satisfied with the outcome of Local Resolution or you have further questions then please contact the Complaint Handler (**add name and contact details**) in the first instance or you can apply for your complaint to be considered for independent review.

If you are dissatisfied with the substance and/or the outcome of our investigation then you can apply to have your complaint reviewed by the Health and Social Care Ombudsman Body (HSCOB). You should do this within 12 months after the date on which you became aware of the matters covered in your complaint or 6 months after a decision in writing has been issued; whichever is the later.

Contact details for the HSCOB are as follows:-

Postal Address

Health and Social Care Ombudsman Body
PO Box 18
Douglas
Isle of Man
IM99 1UT

Email Address

Add

Yours sincerely

Teresa Cope
Chief Executive Officer
Manx Care