

Healthwatch Havering Guidance on Complaints

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1 INTRODUCTION

Healthwatch Havering has considered it necessary to put a complaint and disciplinary procedure into place so that any matter that may raise concern can be dealt with in the correct sequence and handled in a consistent and fair manner.

The aim of this procedure is to settle any complaint or grievance speedily and as near as possible to its point of origin. It is the policy of Healthwatch Havering that everyone should:

- be given a fair hearing concerning any grievance or complaint they may wish to raise
- have the right to appeal against a decision made by a Complaint Investigator/Investigation Team
- have the right to be accompanied by a friend, colleague or independent advocate not acting in a legal capacity, during any stage of the investigation, this should be recorded on the Complaint Record Form

2 DEFINING A COMPLAINT

A complaint may be defined as “an expression of dissatisfaction”. This may arise from such as:

- communication issues
- failure to deliver a service
- actions outside the role of Healthwatch Havering
- action contrary to the interests of Healthwatch Havering and/or any of its members

This procedure may be used to deal with:

- a complaint by individual Healthwatch Havering Participants, external bodies or individuals about Healthwatch Havering or its representatives when they are undertaking Healthwatch Haveirng functions
- a complaint about the content of work undertaken by Healthwatch Havering
- a complaint about Healthwatch Havering as a whole

3 LOCAL RESOLUTION

When a complaint is received the Healthwatch Havering nominated Complaint Officer will:

- begin a Complaint Record Form
- acknowledge receipt of the complaint within three (3) days
- contact the complainant to get as much information as possible to assess the best course of action, wherever possible this should be done face to face and all details on the Complaint Record Form
- consider the information and decide if there is an issue which requires some form of action, recording the decision on the Complaint Record Form
- redirect any complainant if the matter raised is not within the remit of Healthwatch Havering such as the Patient Advice and Liaison Service or the Independent Complaints Advocacy Service. This should be recorded on the Complaint Record Form.
- report to a closed meeting of the Healthwatch Havering Management Board on the complaint, updating the Management Board on a regular basis until the issue has been resolved

If the Healthwatch Havering Complaint Officer feels there are no grounds for the complaint they must inform the complainant verbally of their decision and how that decision has been reached and preferably follow this up in writing. A copy of this letter should be attached to the Complaint Record Form

If it is decided that there is an issue, the Complaint Officer should decide if it is possible to deal with the complaint through Local Resolution, Informal Caution and Counselling or if it should pass to the nominated Healthwatch Havering Complaint Investigator/Investigation Team – see paragraph 5. The Complaint

Officer must inform the complainant verbally of their decision and how that decision has been reached and preferably follow this up in writing. A copy of this letter should be attached to the Complaint Record Form

If the Complaint Officer decides that the complaint may be resolved through Local Resolution the steps to be followed are:

- a) the Complaint Officer should encourage the parties involved to attend an informal meeting to discuss the issue and reach an agreed route to deal with the matter.
- b) if the informal meeting does not reach a mutually acceptable resolution or if any of the parties involved are not willing to participate in an informal meeting the Complaint Officer should ask the Management Board for a formal meeting.
- c) before the formal meeting, the Complaint Officer should contact all parties involved, gathering their views on any possible solution which could resolve the matter
- d) at the formal meeting the Healthwatch Havering Management Board will arrange for minutes to be taken
- e) if a mutually acceptable resolution is reached the Complaint Officer shall put this in writing to all parties involved, clearly stating the outcomes and what has been agreed. A copy of this letter should be attached to the Complaint Record Form
- f) if by the end of the meeting, no mutually acceptable resolution has been reached the matter should be passed as a formal complaint to the nominated Complaint Investigator/Investigation Team for Healthwatch Havering – see paragraph 5

4 INFORMAL CAUTIONS AND COUNSELLING

Counselling or an informal caution should not be given if the matter giving rise to the complaint is repeated or serious enough to warrant immediate use of the formal procedure. The Complaint Officer may decide an informal caution or counselling is a more satisfactory method of resolving a matter than a formal complaint and disciplinary process. The Complaint Officer will advise the Management Board in a closed session, of this decision. The Complaint Officer may handle the informal caution themselves or may agree with the Management Board an appropriate route of counselling and/or retraining.

The Management Board should take notes of informal cautions as they may be relevant if formal disciplinary action is taken later. These notes may be kept for a maximum of six months and it is paramount that these notes are kept securely and confidentially.

If the informal action does not accomplish the desired effect then the formal Complaint Procedure should be implemented.

5 HANDLING A FORMAL COMPLAINT

Complaint Investigator:
Investigation Team nominated for Healthwatch Havering is:

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Healthwatch Havering Investigation Team will make every effort to complete their enquiries within 28 days. Should this not be possible, the Complaint Investigator/Investigation Team will notify the complainant.

When it is not possible to reach a satisfactory resolution to a complaint through Local Resolution the matter shall be passed to the nominated Investigation Team for investigation. Investigation Team will review the facts and consider all evidence in order to decide if the complaint is justified. This decision will be recorded on the Complaint Record Form.

- If the complaint is found not to be justified the Investigation Team will write to the complainant explaining how the decision has been reached. A copy of this letter should be attached to the Complaint Record Form
- If the complaint is found to be justified the Investigation Team will consider what corrective/disciplinary action should be taken and advise the Management Board. Details of this action will be recorded on the Complaint Record Form. The Investigation Team will write to the complainant explaining how the decision has been reached and what corrective/disciplinary action has been recommended. A copy of this letter should be attached to the Complaint Record Form.
- The Management Board will meet a closed session to agree on any corrective/ disciplinary action to be taken

6 RIGHT OF APPEAL

Any person who disagrees with the decision of the Investigation Team will have a right to appeal to an Appeal Investigator.

The Appeal Investigator nominated for Healthwatch Havering is:

The purpose of the appeal process is to decide whether the outcome of the original hearing was reasonable. Generally there are two grounds for appeal:

- appeal against the facts, where it is considered that the evidence used by the Complaint Investigator/Investigation Team used to come to their decision was either incomplete or untrue
- appeal against the reasonableness of the decision – where the evidence is not disputed but it is believed that the decision made by the Complaint Investigator/Investigation Team is not reasonable in light of that evidence

The Appeal Investigator will decide if the appeal is valid; i.e. falls into either of the above categories. If the appeal is not considered to be valid, the Appeal Investigator will write to the party making the appeal explaining why the appeal is not valid. A copy of this letter should be attached to the Complaint Record Form.

If the Appeal Investigator finds that the appeal does meet the criteria they will:

- a) review all paperwork
- b) convene a hearing if they feel the matter cannot be judged on the paperwork alone or further evidence becomes available
- c) write to confirm their decision to all parties ensuring that any person/body that is tasked with carrying out any disciplinary/corrective/disciplinary action is aware of the timescale which has to be met and how this completion of such action will be monitored. A copy of this letter should be attached to the Complaint Record Form.

7 DISCIPLINARY ACTION

If after the Local Resolution Procedure, the Complaints Officer may decide an informal caution or counselling is the more satisfactory method of resolving the matter than a formal complaint and disciplinary process. The Complaint Officer will advise the Management Board in a closed session, of this decision. The Complaint Officer may handle the informal caution themselves or may agree with the Management Board an appropriate route of counselling and/or retraining.

The decision to take disciplinary action will be approved at a closed meeting of the Management Board. The closed meeting of the Management Board is responsible to ensure that the level of action be appropriate to the nature of the offence committed. All appeals to a disciplinary action decision will be considered at a closed meeting of the Management Board. Confidential minutes of these meetings will be recorded and kept by the Board with the Complaint Record Form

It is essential that any Disciplinary Action taken as the result of a complaint or grievance should:

- Be undertaken only in cases where good reason and clear evidence exists
- Be appropriate to the nature of the offence that has been committed
- Be demonstrably fair and consistent
- Allow for a right of appeal against disciplinary action

There are four levels of disciplinary action

- Oral Warning
This warning will lapse after a period of three months unless the required improvement or a repeat offence happens
- Written Warning
This warning will lapse after a period of three months unless the required improvement or a repeat offence happens
- Final Written Warning
This warning will lapse after a period of six months unless the required improvement or a repeat offence happens

- Termination of Involvement with Healthwatch Havering

8 CONCLUSION

Healthwatch Havering operates in the public domain representing local people, groups and organisations; it is important that Participants/Volunteers in Healthwatch Havering conduct themselves in a proper manner which will stand up to public scrutiny.

