



## Changing Health Ltd. Complaints Policy

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## 1. Introduction

This document outlines our commitment to dealing with complaints about the services provided by Changing Health on behalf of our contracted commissioners. It also includes information about how we manage, respond to and learn from the complaints made about our services and how we commission them.

In doing so, it meets the requirements of [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#). Where Changing Health Ltd. provides a service commissioned by a body that is not within the National Health Service, Changing Health Ltd. will use the framework outlined in this regulation as the best practice.

Changing Health Ltd. will treat complaints seriously and ensure that complaints, concerns, feedback and issues raised by participants, relatives and commissioners are appropriately investigated in an unbiased, non-judgemental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions, will be explained to the complainant by the investigating organisation.

The critical issues taken into consideration when formulating this policy are that a complainant needs to:

- Know how to complain.
- Feel confident that their complaint will be dealt with sincerely.
- Understand that their concerns will be investigated and they will be informed of the findings of that investigation.
- Trust that Changing Health Ltd. will learn from complaints, feedback and praise, and apply these lessons whilst also learning from and sharing best practice.

## 2. Aims

We are committed to providing a high standard of care in all our services. Our customer's needs are important to us, and we must continually improve to ensure that our services are consistently meeting people's needs. As part of this commitment, we will ensure that our customers and representatives can seek advice, provide feedback or make a complaint about the services we provide, or the services we are contracted to deliver on behalf of a commissioning body.

When dealing with complaints, we will adhere to our internal organisation's value principles and comply with the requirements of The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

- Our customer's complaints will be dealt with efficiently;
- The complaint will be investigated appropriately;
- The complainant will be treated with respect and courtesy;
- The complainant will receive, so far as is reasonably practicable -

- assistance to enable them to understand the complaints procedure; or
- advice on where they may obtain such assistance;
- The complainant will receive a timely and appropriate response;
- The complainant is told the outcome of the investigation of their complaint; and
- Action is taken if necessary in the light of the result of a complaint.

We respect our customer's right to:

- Have their complaint acknowledged and adequately investigated.
- Discuss the manner in which the complaint is to be handled and know the period in which the complaint response is likely to be sent.
- Have Changing Health Ltd. acknowledge their complaint with the seriousness it deserves and to investigate the complaint with integrity, openness and honesty.
- To be kept informed of the progress and to know the outcome, including an explanation of the conclusions and confirmation that any action needed has been taken.

### 3. Definition of a complaint

*A complaint is an expression of dissatisfaction about an act, omission or decision of Changing Health Ltd., either verbal or written, and whether justified or not, which requires a response.*

### 4. Who can make a complaint?

A complaint can be made by a person who receives or has received services from us; or a person who is affected, or likely to be affected by the action, omission or decision of Changing Health Ltd.; or it may be made by a person acting on behalf of a person in any case where that person:

- Is a child; (an individual who has not reached the age of 18)

In the case of a child, we must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child and that the representative is making the complaint in the best interest of the child.

- Has died

In the case of a person who has died, the complainant must be the personal representative of the deceased. Changing Health Ltd. needs to be satisfied that the complainant is the personal representative. Where appropriate we may request evidence to substantiate the complainants claim to have a right to the information.

- Has physical or mental incapacity

In the case of a person who is unable to by reason of physical capacity, or lacks capacity within the meaning of the Mental Capacity Act 2005, to make the complaint themselves, Changing Health Ltd. needs to be satisfied that the complaint is being made in the best interests of the person on whose behalf the complaint is made.

- Has given consent to a third party acting on their behalf

In the case of a third party pursuing a complaint on behalf of the person affected, we will request the following information:

- Name and address of the person making the complaint
- Name and either date of birth, email address or address of the affected person and
- Contact details of the affected person, so that we can contact them for confirmation that they consent to the representative acting on their behalf.

This will be documented in the complaint, and confirmation will be sent to both the representative making the complaint and the person affected.

- Has delegated authority to act on their behalf, for example in the form of a registered Power of Attorney with must cover health affairs
- Is a Member of Parliament (MP), acting on behalf of, and with written instruction from a constituent.

If the complaint manager or equivalent is of the opinion that a representative does not or did not have sufficient interest in the person's welfare, or is not acting in their best interest, we will notify that person in writing.

## 5. Complaints that cannot be dealt with under this policy

The following complaints will not be dealt with under the Local Authority Social Services and National Health Service Complaints (England) Regulations (2009):

- A complaint made by any NHS organisation, private or independent provider, or responsible body.
- A complaint made by an employee of Changing Health Ltd. about any matter relating to their employment.
- A complaint, the subject matter of which has previously been investigated under these or previous regulations.

- A complaint which is made orally and resolved to the complainant's satisfaction no later than the next working day.
- A complaint arising out of Changing Health Ltd alleged failure to comply with a request for information under the Freedom of Information Act 2000.
- A complaint which relates to any scheme established under Section 10 (superannuation of persons engaged in health services) or Section 24 (compensation for loss of office) of the Superannuation Act 1972 or to the administration of those schemes.

## 6. How to complain

You can find further information and guidance on how to give feedback or make a complaint [on NHS England's website](#).

A complaint can be made:

- By email: [feedback@support.changinghealth.com](mailto:feedback@support.changinghealth.com)
- By post: Complaints, Changing Health Ltd, The Catalyst, Newcastle Helix, 3 Science Square, Newcastle Upon Tyne, NE4 5TG.

We will make reasonable arrangements to receive, investigate and respond to any complaint. For people whose first language is not English, we can access a translation and telephone interpreting service.

We can also make arrangements to accept and respond to complaints in alternative formats/languages (such as braille). Please contact [feedback@support.changinghealth.com](mailto:feedback@support.changinghealth.com) for assistance.

## 7. Complaint timescales

Complaints cannot be made later than:

- Twelve months after:
  - The date on which the matter which is the subject of the complaint occurred; or
  - If later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.

Changing Health Ltd. may still consider the complaint if the above timescales have passed, and we believe the complainant has good reason for not making the complaint in that time limit, and it is still possible to investigate the complaint fairly and effectively.

## 8. Changing Health Ltd. complaint process

All complaints will be acknowledged in writing no later than three working days after the day the complaint is received. If the complaint is made via Changing Health Ltd. commissioning partner, we will acknowledge the complaint within three working days of receiving the complaint.

Changing Health Ltd. will offer to discuss with the complainant, at a time to be agreed with the complainant:

- The manner in which the complaint will be handled
- The time period within which:
  - The investigation of the complaint is likely to be completed; and
  - The response is likely to be sent to the complainant.
- The expectations and desired outcome, if this is unclear.

If the complaint was made verbally, Changing Health Ltd. will give the complainant a copy of their verbal statement. This will be considered as the formal complaint, and the complainant will be asked to confirm the statement accurately represents the issues they wish to raise.

Changing Health Ltd. will give the complainant a named contact who will be their point of contact throughout the complaint process. This will normally be the complaint manager. The complaint manager will capture all the information relevant to the case and ensure this is accurately recorded.

The complainant can expect that:

- They will be kept up to date with the progress of their complaint.
- If a complaint case has passed the 40 working day target (or the timescale agreed with the complainant, if different), the complainant (and advocate/representative if relevant) should receive an update no later than every ten working days thereafter the target has been surpassed. The format of this update will be agreed with the complainant.
- They will receive a response with the assurance that action has been taken to prevent a recurrence.
- They will be informed of any learning that will be applied to continuous improvement.

Changing Health Ltd. will ensure that, wherever possible, we will respond to the complainant by their preferred method of communication.

On receipt of the investigation report, a response to the complaint will be prepared, and the complaint manager will include information on the next stages of the complaints procedure, should the complainant wish to take the matter further.

Where the complaint involves more than one responsible body, Changing Health Ltd. will adhere to the duty to cooperate contained in the relevant legislation. Where complaints involve more than one responsible body, discussions will take place between the bodies concerned about the most appropriate body to take the lead in coordinating the complaint and communicating with the complainant. Permission will be sought from the complainant before sharing or forwarding a complaint to another responsible body. Consent will need to be obtained to forward the complaint to any other provider.

As soon as it is reasonably practicable after completing the investigation, and within the timescale agreed by the complainant, Changing Health Ltd. will send a formal response in writing to the complainant, which will be signed by the designated responsible person (usually the Chief Executive Officer).

The response will include:

- An explanation of how the complaint has been considered.
- An apology, if appropriate.
- An explanation, based on the facts of the case
- Whether the complaint in full or in part is upheld.
- The conclusions reached in relation to the complaint, including any remedial action that Changing Health Ltd. considers to be appropriate.
- Confirmation that Changing Health Ltd. is satisfied any action has been or will be actioned.
- Where possible, Changing Health Ltd. will respond with any lessons learned.
- Information and contact details of the Parliamentary and Health Service Ombudsman as the next stage of the complaints process, if appropriate.

If at any time during the complaint process the complainant, or their advocate/representative decides they would like to withdraw the complaint, this request can be made either verbally or in writing. Changing Health Ltd. will acknowledge this withdrawal request in writing.

If the complainant has not been provided with a response after six months from receipt of the complaint, Changing Health Ltd. will notify the complainant of their right to go straight to the Parliamentary and Health Service Ombudsman without waiting for any local resolution to be completed (if appropriate).

## 9. Advocacy Services

[Healthwatch](#) is a service that can help you find independent NHS complaints advocacy services in your area.

[VoiceAbility](#) gives advocacy support to help people be heard in decisions about their health, care and wellbeing.

[The Citizens Advice](#) offer free advice to help you find a way forward, whatever the problem.



For complainants with a learning disability or autism, and receiving a service provision from Changing Health Ltd. that is commissioned by NHS England, the [Ask Listen Do project](#) offers support in giving feedback, raising a concern or making a complaint.

## 10. Consent to share information

The complainant will be asked for consent for Changing Health Ltd. to handle their complaint if the complaint requires input or investigation from parties or organisations outside of Changing Health Ltd.

## 11. Confidentiality

Complaints will be held in the strictest of confidence in accordance with Changing Health Ltd. confidentiality policy. Complaints will be stored separately to any participant records. Suitable arrangements are in place for the handling of personally identifiable information in compliance with GDPR.

Changing Health Ltd. will operate a strict 'need to know' confidentiality policy in regards to complaints. Only managers and staff who are leading the investigation will know the content of the case. Anyone disclosing information to others who are not directly involved may be dealt with under Changing Health Ltd. disciplinary procedures.

## 12. Consent

There is an expectation that when capturing consent for the use and sharing of information, that the complainant has made an informed decision and clearly understands the processing and potential sharing of their data. Changing Health Ltd. staff must also understand the expectations of confidentiality that the information is provided under.

Information will not be disclosed to third parties unless the complainant or authorised party who has provided information has given consent to the disclosure of that information.

Consent should be proactively pursued by Changing Health Ltd. If permission has not been gained by the 40th working day, the complaint should be closed and categorised as a concern.

## 13. Referrals to the Parliamentary and Health Service Ombudsman

If a complainant remains dissatisfied with the handling of the complaint by Changing Health Ltd., and the provision of services by Changing Health Ltd. is on behalf of NHS England (or associated Primary Care Trust), they can ask the Parliamentary and Health Service Ombudsman to review the case.

The Ombudsman may investigate a complaint where, for example:

- The complainant is not satisfied with the result of the investigation undertaken by Changing Health Ltd.
- The complainant is not happy with the response from Changing Health Ltd. and does not feel their concerns have been resolved.
- Changing Health Ltd. has decided not to investigate a complaint on the grounds that it was not made within the required time limit.

Changing Health Ltd. will provide information on how to contact the Ombudsman when issuing the formal written response.

When informed that a complainant has approached the Ombudsman, Changing Health Ltd. will cooperate fully with the Ombudsman and provide all information that has been requested in relation to the complaint investigation. The responsible person will be informed that a request for investigation has been made so that all the staff involved can be notified.

Changing Health Ltd. also has the option to refer a complaint to the Ombudsman for a final decision.

## 14. Monitoring and reporting procedures

Changing Health Ltd. will demonstrate how we use feedback to support continuous improvement. An annual report (ending on 31st March) will be produced, which will detail:

- Numbers of complaints received.
- Numbers of complaints received considered to be based on concrete evidence or good reasons (complaints upheld).
- Issues and key themes that the complaints have raised.
- Lessons learnt
- Actions were taken or being taken to improve our service as a result of the complaints made.
- The number of cases in which Changing Health Ltd. has been advised is being considered or referred to the Parliamentary and Health Service Ombudsman.

- Include reporting on praise and other feedback and how that information has been shared.

Changing Health Ltd. will make this report available to any person on request. Changing Health Ltd. will also send a copy of it's annual report to the Primary Care Trust which has arranged for the provision of its services. In this case, the report will be sent as soon as reasonably practicable after the end of the year to which the report relates.

## 15. Quality Assurance

Changing Health Ltd. will continually monitor both the effectiveness of this complaints process and how complaints information is used within the internal continuous improvement cycle. Specifically, Changing Health Ltd. will aim to provide a system to

- Disseminate learning from complaints across the relevant parts of the organisation.
- Include the use of the complaints procedures as a measure of performance and quality.
- Use complaints information to contribute to practice development, commissioning and service planning.

## 16. Compliance and Review

Document Author and role	Gareth Elsby - Service Support Manager
Document version and date	V0.1 2020-10-16
Associated Legislation	<a href="#">The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009</a>
Responsible Body	<a href="#">Changing Health Ltd</a>
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