

Complaints policy



This Complaints Policy is intended for internal reference, but it is adapted and repeated in parts in patient/ client information.

For clarity, Problemshared is the trading name of Teledoctor Ltd ('the Company'), a company that provides access to mental health care services in England, Wales, Scotland and Northern Ireland, via its digital platform. This encompasses a network of affiliated nurse practitioners, counsellors, and psychiatrists who provide their services remotely via video link to users of the platform.

Date Created: February 2020 Date Last Modified: N/A

Purpose of this policy

This Policy outlines our commitment to dealing with complaints about the service provided by the Company. It also provides information about how we manage, respond to and learn from complaints made about our services. The Company will treat complaints seriously and ensure that complaints, concerns and issues raised by patient/ clients, relatives and carers are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by the investigating team within the organisation. The key 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 seriously.
- Understand that their concerns will be investigated and they will be informed of the findings of that investigation.
- Trust that the Company will learn from complaints, feedback and praise and apply those lessons whilst also learning from and sharing best practice.

This policy underpins the intention of The Company to maintain these principles in compliance with all relevant laws and guidance as relevant to The Company's provision of services.



The Legal Framework

This policy has been developed to enable The Company to comply with the following laws and guidance:

- CQC Fundamental Standard/H+SC Act Regulation (2014) Regulation 16: “Complaints”
- The Care Act 2014
- The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014
- The Health and Social Care Act 2008 (Regulated Activities) (Amendment) Regulations 2015
- Data Protection Act 1998
- The Local Authority Social Services and National Health Service complaints (England) regulations 2009
- Public Interest Disclosure Act 1998

Governance and Management

The following roles are involved in management and monitoring of Complaints: **Complaint**

Lead: Mrs Jessica Lamb

Responsibilities:

The Complaints Lead is responsible for:

- Ensuring that the Company’s Complaints Policy meets the requirements as set out in the regulations.
- Considering emerging themes and learning from the complaints reporting mechanism and identifying service improvements as a result of complaints and concerns being raised.
- Annual review the internal complaints policy
- Awareness of escalated complaints
- Consideration of quarterly internal complaint analysis
- Ensuring information from complaints is reported into appropriate clinical quality and risk committees and forums to enable organisational review and learning.

Key Principles

The aim of this Policy is to ensure that any complaints or concerns by patients/ clients are correctly managed. The Company is committed to high quality care for all as a core



principal of our vision and purpose. We will ensure that patients/ clients and their representatives can seek advice, provide feedback or make a complaint about our services or the policies we have developed and implemented.

Although The Company is an independent health organisation, when dealing with complaints we aim to adhere to NHS England's organisation value's principles and follow the 'Good Practice Standards for NHS Complaints Handling' (Sept 2013) outlined by the Patients Association:

- Openness and Transparency - well publicised, accessible information and processes, and understood by all those involved in a complaint.
- Evidence based complainant led investigations and responses. This will include providing a consistent approach to the management and investigation of complaints. Logical and rational in our approach.
- Sympathetically respond to complaints and concerns in appropriate timeframes. Provide opportunities for people to offer feedback on the quality of service provided. Provide complainants with support and guidance throughout the complaints process. Provide a level of detail appropriate to the seriousness of the complaint.
- Identify the causes of complaints and to take action to prevent recurrences.
- Effective and implemented learning - use 'lessons learnt' as a driver for change and improvement.
- Ensure that the care of complainants is not adversely affected as a result of making a complaint.
- Ensure that The Company meets its legal obligations.
- Act as a key tool in ensuring the good reputation of The Company.

We support the Parliamentary and Health Service Ombudsman's Principles of Good Complaints Handling (2009), My Expectations (2014) and the NHS Constitution which includes a number of patient rights relating to complaints.

In summary, these include patients/ clients' rights to:

- Have their complaint acknowledged and properly 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.
- 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 on.
- Take a complaint about data protection breaches to the independent Information



Commissioners Office (ICO) if not satisfied with the way The Company has dealt with this.

Definition of a complaint or concern

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of The Company or one of the Healthcare Professionals providing their services through the portal, either verbal or written, and whether justified or not, which requires a response.

How to complain

Information about giving feedback or making a complaint can be found on Problemshared's website.

A complaint can be made:

By email: complaints@problemshared.net

By post: Complaints, Problemshared, Teledoctor Ltd, 2 Frederick Street, London, WC1X 0ND

We will endeavour to make the necessary reasonable adjustments in order to receive, investigate and respond to any complaint. For people whose first language is not English, we have access to a translation and telephone interpreting service.

Period within which complaints can be made

The period for making a complaint is normally:

- 12 months from the date on which the event which is the subject of the complaint occurred; or
- 12 months from the date on which the event which is the subject of the complaint comes to the complainant's notice.

The Company has discretion to vary this time limit if appropriate. i.e. where there is good reason for not making the complaint sooner, or where it is still possible to properly investigate the complaint despite extended delay. When considering an extension to the time limit it is important that the Complaints Lead takes into consideration that the passage of time may prevent an accurate recollection of events by the Healthcare Professional or Administration Staff member concerned or by the person bringing the complaint. The collection of evidence, clinical guidelines or other resources relating to



the time when the complaint event arose may also be difficult to establish or obtain. These factors may be considered as suitable reason for declining a time limit extension.

The Company's complaint process

Complaints may be received either verbally, by email or post must be forwarded to the Complaints Lead, who must:

- Acknowledge the complaint within 3 working days verbally or in writing and at the same time
- offer to discuss, at a time to be agreed with the complainant
- decide the manner in which the complaint is to be handled,
- ascertain the period within which the investigation of the complaint is likely to be completed and the response is likely to be sent to the complainant.
- From the discussion, a complaint action plan should be developed.

Complaints Action Plan

If the complainant does not accept the offer of a verbal discussion in an effort to resolve matters, the Complaints Manager or someone designated to act on their behalf will notify the complainant in writing of the time period within which it is intended to respond to the complaint. This will normally be within 28 days of receipt of the written complaint. (If a full response cannot be made within this time period, an interim response should be sent to the complainant).

If a clear plan and a realistic outcome can be agreed with the complainant from the start, the issue is more likely to be resolved satisfactorily. Having a plan will help the Company to respond appropriately. It also gives the person who is complaining more confidence that the Company is taking their concerns seriously.

If someone makes a complaint, the person making the complaint will want to know what is being done and when. However, accurately gauging how long an issue may take to resolve can be difficult, especially if it is a complex matter involving more than one person or organisation. To help judge how long a complaint might take to resolve, it is important to:

- address the concerns raised as quickly as possible
- stay in regular contact with whoever has complained to update them on progress
- follow closely any agreements made – and, if for any reason this is not possible, then explain why.



It is good practice to review any case lasting more than six months, to ensure everything is being done to resolve it.

Investigation and Responses to Complaints

During the investigation, the complainant will be kept informed of progress either verbally or in writing as agreed with the complainant. The response must be signed by the Complaints Lead and include:

- an explanation of how the complaint has been considered;
- the conclusions reached in relation to the complaint, including any remedial action to be taken
- details of how to seek arbitration or mediation if the complainant remains dissatisfied.

Confidentiality

All complaints will be treated in the strictest confidence.

Where the investigation of the complaint requires consideration of the patient/ client's medical records, the Complaints Lead or someone designated to act on their behalf will inform the patient/ client or person acting on his/her behalf if the investigation may involve disclosure of information contained in those records to a person other than the organisation, or an employee/contractor working for The Company.

Audit

The operation and effectiveness of this policy will be incorporated into The Company ongoing audit programme.

As required, anonymised summaries of complaints will be provided to the Care Quality Commission upon request.

Routine reports to the Company's Board will also be made in order to summarise details of any complaints made with a view to ensuring that any appropriate lessons are learnt and actions initiated in order to avoid repetition.



Unreasonable/ Vexatious complaints

Where a complainant becomes aggressive or, despite effective complaint handling, unreasonable in their promotion of the complaint, some or all of the following formal provisions will apply and will be communicated to the patient/ client:

- The complaint will be managed by one named individual at senior level who will be the only contact for the patient/ client.
- Contact will be limited to one method only (e.g. in writing).
- Place a time limit on each contact.
- The number of contacts in a time period will be restricted.
- A witness may be present for all contacts.
- Repeated complaints about the same issue will be refused.
- Only acknowledge correspondence regarding a closed matter, not respond to it.
- Set behaviour standards.
- Return irrelevant documentation.
- Keep detailed records.

