

1.6

Complaints Policy

Business Unit	Head Office	Location	Newtown House, Newtown Road, Henley on Thames, Oxon, RG9 1HG
Completed By	James Syrett		
Business Unit Head Sign Off	Peter Price-Taylor	Date	01/04/2021
Review Date	01/04/2023	Version	4.0

Why is it necessary?

Evolutio is committed to dealing with any complaint made about its services equitably, comprehensively, and in a timely manner.

Evolutio are dedicated to high quality care for all as a core principal of our vision and purpose. This includes the provision for any user of the organisation and its associated services, their family, carers, or members of the public, with the opportunity to seek advice, raise concerns or make a complaint, about any of the services it commissions, or policies and procedures it has developed and implemented.

The complaints policy aims to clarify how the public can make a complaint. The policy seeks to create a positive approach to complaints where they are valued as a means of continuously reviewing and improving the services we offer.

The 'Errors, Concerns & Continuous Service Improvement' policy (section 3.4 of this handbook) offers service providers information and support when investigating or reporting an error, concern or complaint.



Peter Price-Taylor
CEO

Aims

A complaint or concern is an expression of dissatisfaction about an act, omission or decision of Evolutio, either verbal or written, and whether justified or not, which requires a response and/or redress.

When dealing with complaints we aim to adhere to NHS England's organisation 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 Evolutio meets its legal obligations
- Act as a key tool in ensuring the good reputation of Evolutio

The complaints system also incorporates the Parliamentary and Health Service Ombudsman Principles of Good Complaints Handling (2009) and the NHS Constitution which includes a number of patient rights relating to complaints. In summary, these include patients' 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 Evolutio has dealt with this
- Make a claim for judicial review if the patient thinks that they have been directly affected by an unlawful act or decision
- Receive appropriate redress if the patient has been harmed by medical negligence.

Who can make a complaint?

Anyone can complain, including young people. A family member, carer, friend, or your local MP, can complain on your behalf with your permission.

A complaint can be made about any aspect of Evolutio as long as you:

- Receive or have received services from Evolutio, or
- Are someone who is affected, or likely to be affected, by the action, omission or decision of Evolutio

You can complain on behalf of someone else if the person who has grounds to complain:

- Has died, or
- Is a child, or
- Can't make the complaint themselves because of physical or mental incapacity, or
- Has asked you to act 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 or address of the affected person; and
- Contact details of the affected person (if not deceased) so that we can contact them for confirmation that they consent to the third party acting on their behalf

This will be documented in the complaint file and confirmation will be issued to both the person making the complaint and the person affected.

If the Board is of the opinion that a representative is not acting in the affected person's best interests, we will notify the representative in writing stating the reasons.

Children and young people

The regulations provide that a child means an individual who has not attained the age of 18.

A parent can make a complaint on their behalf, but only if the Board thinks the child can't make the complaint themselves. If the Board thinks the child can make the complaint themselves, you can still make the complaint on their behalf, as long as the child gives you permission to make a complaint on their behalf.

How to complain

If a person has concerns relating to an Evolutio service, then the first step is usually for concerns to be addressed with the Chief Operations Officer.

If the person decides it is not appropriate to raise a concern informally, or where informal resolution fails to achieve a satisfactory outcome, a person has the right to raise a complaint to the Board.

A complaint or concern can be received by mail, electronically or by phone on the below:

Mail: complaints@evolutio-ophthalmology.co.uk
Tel: 0203 7807860
Post: Evolutio Care Innovations Ltd.
 Newtown House,
 Newtown Road,
 Henley on Thames,
 Oxon,
 RG9 1HG

Complaining to the NHS

You have the right to make a complaint about any aspect of NHS care, treatment or services, and this is firmly written into the NHS Constitution.

NHS guidance

If you are unhappy with an NHS service, it is often worthwhile discussing your concerns early on with the provider of the service, as they may be able to sort the issue out quickly. Most problems can be dealt with at this stage, but in some cases you may feel more comfortable speaking to someone not directly involved in your care.

If you are making or thinking of making a complaint, someone from the independent NHS Complaints Advocacy service can help you. An advocate will also be able to attend meetings with you and review any information you are given during the complaints process.

You can seek advice from an NHS complaints advocate at any stage of the process. If you decide you need some support, it is never too late to ask for help.

Your local council will be able to tell you who the advocacy provider is in your area. Find details for your local council on the GOV.UK website.

Your local Healthwatch can also provide information about making a complaint.

How to complain to the NHS

Everyone who provides an NHS service in England must have their own complaints procedure. You can often find information in waiting rooms, at reception, on the service provider's website, or by asking a member of staff.

You can either complain to the NHS service provider directly – such as a GP, a dentist surgery, or a hospital – or to the commissioner of the services, which is the body that pays for the NHS services you use. You cannot apply to both. See the information below on How to find the commissioner.

In the event of a complaint about more than one organisation – perhaps a complaint that includes issues about your GP, local hospital and ambulance service – you'll only need to make one complaint. The organisation that receives your complaint must then co-operate with the others to ensure you receive a co-ordinated response.

How do I find the commissioner?

Contact NHS England for complaints about primary care services (GPs, dentists, opticians or pharmacists). NHS England also commissions military health services and some other specialised services. To contact NHS England:

- Email england.contactus@nhs.net with "For the attention of the complaints team" in the subject line
- Phone 0300 311 22 33
- Use the British Sign Language service

For more detailed information, visit NHS England's website.

Contact your local clinical commissioning group (CCG) for complaints about secondary care, such as hospital care, mental health services, out-of-hours services, NHS 111 and community services – district nursing, for example.

Every CCG will have its own complaints procedure, which is often displayed on its website.

Contact your local authority if your complaint is about public health organisations, which provide services that prevent disease, promote health and prolong life.

The complaints process

Complaints can be made twelve months from the date on which the matter that is the subject of the complaint came to the notice of the complainant. If there are good reasons for not having made the complaint within the above timeframe and, if it is still possible to investigate the complaint effectively and fairly, the Board may decide to still consider the complaint.

All complaints will be acknowledged no later than three working days after the day the complaint is received (the acknowledgement will be made either by telephone, email or letter) and an offer will be made, as appropriate, to discuss with the complainant the following:

- An action plan for handling the complaint
- Timescales for responding
- The complainants' expectations and desired outcome.
- Consent for the Board to handle the complaint in the event that your complaint requires input or investigation from parties or organisations outside of Evolutio
- Where appropriate outline the complainant's rights as set out by the NHS Constitution

The complainant can expect that:

- They will be kept up to date with the progress of their complaint
- Their complaint will be investigated by specially trained members of staff and, where appropriate, they will receive an explanation based on facts
- They can expect to receive a quality response with assurance that action has been taken to prevent a recurrence
- To be informed of any learning
- A remedy will be made where appropriate

Our response to a complainant will be wherever possible by their preferred method of communication (email correspondence will only be responded to by email when the complainant has expressly requested this as their method of communication and security measures will be implemented in line with office policy to protect personal information sent via email).

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

As soon as it is reasonably possible after completing the investigation, and within the timescale agreed with the complainant, the Board will send a formal response in writing to the complainant which will be signed by the Chief Executive Officer or delegated deputy.

The response will include:

- An explanation of how the complaint has been considered
- An apology if appropriate
- An explanation based on facts
- Whether the complaint in full or in part is upheld

- The conclusions reached in relation to the complaint and remedial action that the organisation considers to be appropriate.
- Confirmation that the organisation is satisfied any action has been or will be actioned
- Where possible, we will respond to people about any lessons learnt

Confidentiality

Complaints will be handled in the strictest of confidence in accordance with Evolutio's Confidentiality Policy and will be kept separately from patient medical records.

Care will be taken that information should only be disclosed to those who have a demonstrable need to have access to it. Suitable arrangements are in place for the handling of patient identifiable data to meet the compliance of the Data Protection Act and other legal obligations such as the Human Rights Act 1998 and the common law duty of confidentiality.

The Caldicott Report sets out a number of general principles that health and social care organisations should use when reviewing its use of patient or client information. The designated Caldicott Guardians are responsible for ensuring that confidentiality is maintained. Confidentiality will be maintained in such a way that only managers and staff who are leading the investigation know the contents of the case. Anyone disclosing information to others who are not directly involved in this may be dealt with under disciplinary procedures