

## Complaints Management Guide

A complaint received by a practice can be an unwelcome development. By introducing a complaints policy we believe that in the majority of cases, complaints can be resolved swiftly and efficiently to everyone's satisfaction and a simple apology or explanation will usually suffice. Failure to listen or deal with dissatisfaction can lead to an escalation of the complaint to regulatory bodies and cause considerably more stress for those involved. It is also important for practitioners who have a GMS list to have a complaints policy and process in place.

Further, the law concerning Open Disclosure provides the legal framework to support voluntary open disclosure; it applies to all patient safety incidents including near misses and no-harm events. It provides for an open and consistent approach to communicating with patients and their families, allowing an apology, as appropriate, when things go wrong in healthcare. The approach is intended to create a positive voluntary climate for open disclosure. For more information on this, please see our Factsheet on 'Open Disclosure', available on our website.

### Dealing with a complaint to the practice

Firstly, it is important to have a clear practice policy for staff on how to deal with complaints. All staff should be aware of the policy and what each individual should do if a complaint is received or a concern is raised. Secondly, patients can often take to social media to show their frustration, or complain directly to the Medical Council as they may not know that there is any other way to adequately complain. Therefore, it is important to bring it to their attention that they can raise any concerns directly to the practice, and that these will be dealt with in a timely manner. For example, this can be done with posters in the waiting room and leaflets given to patients when they join the practice. Medisec provide a poster for your practice regarding patient complaints.

Medisec can provide a sample draft complaints policy on request to assist medical practitioners if required. Below are brief tips on how to handle complaints to a practice. More detail can be seen in our draft complaint policy.

#### 1. Acknowledge

When a complaint is received it should be logged by the practice. As soon as a complaint is received, it should be brought to the attention of the Practice Principal and Complaints Lead (if one is appointed). You should also feel free to contact Medisec for further assistance.

If the complaint is received by telephone or in person, take a detailed note and confirm that this will be brought to the attention of the Practice Principal and Complaints Lead, as appropriate. If the complaint is received in writing, it should be acknowledged in writing as soon as possible, as it may take some time to investigate before responding fully.

Consider at this point whether it may be a minor misunderstanding which can be readily rectified with a telephone call, explanation or apology – e.g. a mix up of appointment times or minor disagreement.

#### 2. Discuss

The complaint should be reviewed by the Practice Principal / Complaints Lead and the issues raised should be discussed with any other staff members who have been involved, in order to have a full picture of the concerns raised and response that may be required.

Consider whether what occurred is a Patient Safety Incident and whether an Open Disclosure meeting is necessary. Please see our separate Factsheet on Open Disclosure (available on our website) for further information.

### **3. Seek Assistance / Notify**

The Medisec medico-legal team can provide timely, expert assistance to its members in responding to any complaint, no matter how minor.

Medisec members should ensure to notify Medisec of any complaint that might develop into a claim, regardless of the validity or otherwise of any such potential claim, It is important to be aware of the terms and conditions of your policy regarding notifying potential claims.

### **4. Respond**

If the complaint is not made by a patient themselves, then you must ensure that you do not disclose any confidential patient information without appropriate consent.

Ideally, a response to written complaint would be in writing, with an offer to meet the patient to discuss their concerns further if they wish. Apologise, if appropriate.

Consider whether the complainant is satisfied with the response. If not, reassess if anything further can be done by the practice.

### **5. Learn**

Concerns raised to the practice should ideally be discussed at a regular practice meeting, if appropriate, subject to confidentiality. This can avoid similar issues arising in future at both an administrative and clinical level. Please see our factsheet on Open Disclosure which provides further information on adverse events.

Medisec recommend the approach above as the best way to deal with the unfortunate incident of a patient complaint. We are always happy to provide advice on a specific complaint.

“The contents of this publication are indicative of current developments and contain guidance on general medico legal queries. It does not constitute and should not be relied upon as definitive legal, clinical or other advice and if you have any specific queries, please contact Medisec for advice”.