



Healthwatch Bury Complaints policy

Policy detailing how Healthwatch Bury will address complaints and concerns to improve the quality of the service.

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Purpose

Individuals and organisations have the right to express their views about Healthwatch Bury's performance and the manner in which it discharges its responsibilities. Anyone directly affected by the way in which Healthwatch Bury has carried out its functions may make a complaint under Healthwatch Bury's Complaints policy.

Healthwatch Bury takes all complaints seriously and will work hard to ensure that the matter is resolved. We will treat both concerns and complaints in the same way.

This policy applies to all Healthwatch Bury staff as well as volunteers.

Healthwatch Bury will endeavour to understand the potential effect of its policies and practices on the staff, volunteers and communities, particularly those from 'protected' characteristics under the Equality Act 2010 section 149.

Healthwatch Bury welcomes feedback and encourages informal resolution. Anyone who is dissatisfied with any aspect of the service received by Healthwatch Bury can make a complaint under the Healthwatch Bury complaints policy. We will treat both concerns and complaints in the same way.

This Policy does not cover:

- 1) Complaints or concerns about the NHS, which should be dealt with through the NHS complaints procedure. Healthwatch Bury can provide advice and support through the Healthwatch Bury information and signposting function.
- 2) Complaints about the provision of social care services which should be dealt with by Bury Council's complaint procedure.

Confidentiality: All information regarding the concern/complaint will be kept secure and confidential according to the standards set out in the Healthwatch Bury Confidentiality Policy.

How to raise a concern or make a complaint about Healthwatch Bury

- i. In the first instance we would encourage the complainant to raise a concern, or complaint, or to provide feedback on our service informally to the Healthwatch Bury Chief Officer or Administrator and Social Media Coordinator. Providing information or correcting misunderstandings or misconceptions at this early stage may enable the issue to be successfully resolved.
- ii. If the concern or complaint is not resolved to their satisfaction, then the complainant should notify Healthwatch Bury via email, letter or via a telephone conversation with a member of staff, indicating that they wish to raise a formal concern or make a formal complaint.

- iii. Healthwatch Bury will acknowledge the concern/complaint in writing by letter or email (or in the complainants preferred method of communication) within 5 working days.
- iv. The Healthwatch Bury Chief Officer will attempt to resolve the concern/complaint. This will be completed within 28 days of receipt of the formal concern/complaint. Exceptionally, if further time is needed, where possible this will be agreed with you.
- v. We will notify the complainant in writing by letter or email of any conclusions or steps to be taken by Healthwatch Bury to resolve the concern/complaint.
- vi. If the complainant is not happy with the outcome they can appeal. If the complainant wants to appeal the outcome of any concern/complaint a request for an appeal must be made in writing by letter or email to the Chair of Healthwatch Bury within ten working days of written notification of the outcome.
- vii. The Chair will review the concern/complaint and respond to in writing within 15 working days. The decision of the Chair will be final.

This represents the final internal stage of Healthwatch Bury's complaints process.

However, complainants do have the right to have their complaint reviewed by the independent Local Government Ombudsman:

The Local Government Ombudsman

PO Box 4771
Coventry
CV4 0EH

Tel.: 0300 061 0614 (open 8.30am - 5.00pm Monday to Friday)

For further information: <http://www.lgo.org.uk>

Complaints against a staff member or director of Healthwatch Bury

When the complaint is about a member of the Board

The complaint should be raised with the Chair of Healthwatch Bury who with the Healthwatch Bury Chief Officer, will undertake an initial investigation and seek to resolve the concern in an informal fashion. If this is not possible or if the complainant is not satisfied, the Chair will convene a panel involving one of the Directors. The decision of the panel will be final.

When the complaint is about the Chair of Healthwatch Bury.

A complaint should be raised with the Healthwatch Chief Officer who will undertake an initial investigation and seek to resolve the concern in an informal fashion. If this is not possible or if the complainant is not satisfied, the Chief Officer will convene a panel involving two Directors. The decision of the panel will be final.

When the complaint is about a member of staff

The complaint should be raised with the Chair of Healthwatch Bury who with the Healthwatch Bury Chief Officer, will undertake an initial investigation and seek to resolve the concern in an informal fashion. If this is not possible or if the complainant is not satisfied, the Chair will convene a panel involving one of the Directors. The decision of the panel will be final.

When the complaint is about a member of the Chief Officer

The complaint should be raised with the Chair of Healthwatch Bury will undertake an initial investigation and seek to resolve the concern in an informal fashion. If this is not possible or if the complainant is not satisfied, the Chair will convene a panel involving one of the Directors. The decision of the panel will be final.

Persistent, unreasonable or vexatious complaints

On the occasion that a complainant is deemed to be making persistent complaints, unreasonable or vexatious complaints, these may be dealt with using additional considerations.

Examples of unreasonably persistent behaviour:

(this list is not exhaustive, nor does one single characteristic on its own imply that the person will be considered as being in this category)

- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of Healthwatch Bury's remit/jurisdiction or within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements they made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various members of staff and/or organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous staff, or regular detailed letters, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations, which the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

Vexatious and/or abusive behaviour

Healthwatch Bury will take steps to protect its staff and volunteers from members of the public who are behaving in a way which is considered abusive and/or vexatious. This may include physical or verbal abuse and could include the following (however this list is not exhaustive):

- Speaking to the member of staff in a derogatory manner which causes offence.
- Swearing, either verbally or in writing despite being asked to refrain from using such language.
- Using threatening language towards Healthwatch Bury staff or volunteers which provokes fear.
- Repeatedly contacting a member of staff regarding the same matter which has already been addressed.

Matters to take into account before taking action against what is thought to be a Persistent, unreasonable or vexatious complaint.

Consideration should be given to whether any further action is necessary, such as:

- Consideration about whether it is appropriate to convene a meeting with the complainant and a senior officer in order to seek a mutually agreeable resolution
- If it is known or suspected that the complainant has any special needs then consider offering an independent advocate who may assist the complainant with their communication with the Healthwatch Bury.

Staff must be satisfied before taking any action as defined by this policy that the complainant's individual circumstances have been taken into account including such issues as age, disability, gender, race and religion or belief.

Steps to take when dealing with a Persistent, unreasonable or vexatious complaint

When the decision has been taken to apply this policy to a complainant, the Chief Officer will contact the complainant in writing (and/or as appropriate) to explain:

- why this decision has been taken
- what action Healthwatch Bury will be taking
- the duration of that action
- the review process of this policy
- the right of the complainant to contact the Parliamentary and Health Services Ombudsman about the fact that they have been treated as a persistent/vexatious complainant.

Any restriction that is imposed on the complainant's contact with Healthwatch Bury will be appropriate and proportionate and the complainant will be advised of the period of time the restriction will be in place for. In most cases restrictions will apply for between three and six months but in exceptional cases may be extended. In such cases the restrictions would be reviewed on a quarterly basis.

If the complainant continues to behave in a way which is deemed unacceptable then the Chief Officer may decide to refuse all contact with the complainant and cease any investigation into his or her complaint.

Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, Healthwatch Bury will consider other options, for example reporting the matter to the Police or taking legal action. In such cases, we may not give the complainant prior warning of that action.

Any new complaints received from complainants who have come under this policy will be treated on their merits. Healthwatch Bury does not support a blanket ban on genuine complaints simply because restrictions may be imposed upon that complainant.

The Chief Officer will review any restrictions which are imposed upon the complainant after three months and at the end of every subsequent three months within the period during which the policy is to apply

There may be occasions where the relationship between Healthwatch Bury and unreasonably persistent or vexatious complainants breaks down completely. This may even be the case while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances, there may be little purpose in following all the stages of the complaints procedure. Where this occurs Healthwatch Bury will advise the complainant that they may approach the Parliamentary and Health Services Ombudsman who may be prepared to consider a complaint before the procedure has run its course.

Healthwatch Bury will keep a record of all complainants who have been treated as being unreasonably persistent, abusive and/or vexatious in accordance with this policy. This will include details of why the policy was invoked, what restrictions were imposed and for what period of time.

Glossary of terms:

Within this document, the term Staff can in most cases refer to members of Healthwatch Bury staff, volunteers, board members or members where they interact with the organisation.

The term 'organisation' refers specifically to Healthwatch Bury CIC.