



Department of Health & Social Care

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Target Audience	All Department of Health & Social Care (DHSC) Employees
Policy Description	This policy sets out the responsibilities of the DHSC concerning complaints made about the Department, and confirms its role in relation to complaints about health and social care services provided by registered providers
Policy Changes in this Review	This policy reflects necessary changes to DHSC complaint handling arrangements arising from the enactment of the Manx Care Act 2021, the introduction of the National Health Services (Complaints)(Amendment) Regulations 2021, and the separation of strategic and operational functions between the Department and Manx Care
Cross Reference	Manx Care Act 2021 National Health Services (Complaints)(Amendment) Regulations 2021 Regulation of Care (Care Services) Regulations 2013 Tynwald Commissioner for Administration Act 2011 Social Services Act 2011 National Health Service (Complaints) Regulations 2004 Children & Young Persons Act 2001
Superseded Documents	DHSC Complaints Policy and Guidance 2018

1. INTRODUCTION

The Department of Health and Social Care (DHSC) has strategic level responsibility for the Isle of Man's health and care services. Its key functions include policy development, system planning, finance and regulation. This policy sets out the responsibilities of the DHSC concerning complaints made about the Department, and additionally confirms its particular role in relation to complaints about health and social care services provided by registered providers.

The Manx Care Act 2021 enabled the transfer of operational health and social care services previously provided by DHSC to Manx Care. The Act facilitates the recommendations of Sir Jonathan Michael's 2019 independent review into the Isle of Man's health and care system. The transfer has necessitated a review of complaint handling arrangements in order to clearly define the respective responsibilities of DHSC and Manx Care under the National Health Services (Complaints)(Amendment) Regulations 2021.

2. PURPOSE

The Complaints Policy provides clarity for DHSC staff concerning the arrangements for handling complaints about the Department and ensures that patients and service users are directed to the most appropriate agency for a resolution of their concerns about registered health and social care services.

3. SCOPE

The Complaints Policy applies to all DHSC staff, its commissioned agents and others acting under its prescribed authority.

4. BACKGROUND

The new arrangements take effect from 1st April 2021. From this date DHSC will have two distinct and separate complaints related processes:

- A corporate complaints procedure for handling public dissatisfaction about the Department's discharge of its statutory functions, duties and responsibilities.
- A review mechanism for considering escalated representations from patients and service users about Manx Care's procedural arrangements for investigating and resolving complaints about directly provided or commissioned health and social care services.

5. DHSC CORPORATE COMPLAINTS PROCEDURE

The Corporate Complaints Procedure should be used in instances where a member of the public wishes to pursue a matter of complaint about the Department's discharge of its statutory functions, duties and responsibilities. This may include complaints about its strategic role and remit for health and social care policy development, system planning, finance and regulation. Such complaints may relate to matters of Departmental policy or service delivery on the part of DHSC teams and individual members of staff.

The procedure is an outcome focused three stage process which provides for **1)** early resolution and **2)** formal investigation under **Local Resolution** arrangements, with the opportunity for **3)** an **Executive Review** and response where required. **Annexe 4** illustrates the process in flowchart format.

5.1 Complaint Definition

A complaint is an expression of dissatisfaction about an act or omission on the Department's part for which the complainant requires a response.

5.2 Local Resolution

Complaints concerning the conduct, behaviour or performance of staff should be investigated and responded to by the line manager of the relevant team or service area. Where a complaint relates to a line manager, the matter will be considered by an Executive Director. Complaints about policy of service delivery matters should in the first instance be considered by the most relevant team or service area.

The depth and extent of inquiry should be proportionate to the nature of the matter raised, and the focus should always be upon providing the complainant with a full response that details the substantive findings, conclusions and recommendations of any investigation. Where immediate action is identified that could remedy the situation, the Department encourages the early resolution of complaints. The following are the key procedural requirements:

- All complaints should be acknowledged within 2 working days
- A full response should be provided to the complainant within 10 working days of receiving the complaint

5.3 Executive Review

In circumstances where it has not been possible to resolve the complaint under Local Resolution arrangements, the complainant can request a review of their concerns by an Executive Director. The review will consider the way in which the complaint was handled, and whether or not the decision on the substantive matter of complaint is supported by the available evidence. A response to the complainant will be provided within 20 working days of receiving the request for a review. The response will, where relevant, confirm any further available rights of appeal.

6. REPRESENTATIONS TO DHSC ABOUT MANX CARE'S COMPLAINT HANDLING ARRANGEMENTS

For those health and social care services transferring to Manx Care under the provisions of the Manx Care Act 2021 and associated Mandate, primary responsibility for the day to day operation of the NHS and social care complaints procedures rests with Manx Care.

The National Health Services (Complaints)(Amendment) Regulations 2021 provides the underpinning statutory base for the new complaint handling arrangements. The following content sets out the respective roles of Manx Care and DHSC, and the right of access to independent review for those complainants wishing to escalate their complaint further.

6.1 Manx Care: Local Resolution

Manx Care is responsible for the Local Resolution of Complaints about health and social care service falling within its organisational remit. This includes services provided directly by Manx Care, and those commissioned by Manx Care from independent health and care providers. Local Resolution in the context of the 2021 Regulations embraces the following activities:

- Informal complaint handling whereby immediate solutions to matters raised by patients and services users brings about an early resolution of a complainant's concerns.
- Formal complaint handling whereby an investigation is conducted into the matters raised by the complainant, and a response detailing Manx Care's findings, conclusions and recommendations is subsequently provided.

In instances where a complainant remains dissatisfied following the completion of the Local Resolution arrangements, they can request an independent review of their substantive complaint.

6.2 Independent Review

Currently, the statutory provisions governing independent review differs slightly depending on whether the complaint is about a health or social care service. Both forms of independent review have the power to refer the complaint back to the provider for further action, or to conduct their own investigations.

For health services, a Convenor independent of both Manx Care and the Department will consider the complaint and advise the complainant of their decision. Where the complainant is dissatisfied with the decision, a further review can be requested and will be conducted by a second Convenor. Members of the Independent Review Body (IRB) may on occasions be convened to hear a complaint as a quasi-tribunal. For complaints about adult social care services, a review undertaken by an Independent Person or Independent Panel is the third and final stage in the social care process.

6.3 Review by DHSC

The 2021 Regulations provide for patients and service users to refer their complaints about health and social care services to the Department. However, the role and function of DHSC is limited to a review of Manx Care's complaint handling and whether this was in accordance with the statutory provisions of the Regulations and Manx Care's own complaint handling arrangements. This reflects the Department's overarching regulatory role and its responsibility to monitor the performance of the health and social care system (including the operation of local processes for complaint handling). DHSC does not have the function of an ombudsman, adjudicator or arbitrator in matters of dispute between patients and/or service users and Manx Care.

Consequently, whilst DHSC cannot consider the merits of each individual substantive complaint and the associated judgment on the matters raised by each complainant, it can nonetheless issue its findings and conclusions to Manx Care concerning the way in which the complaint was handled and make recommendations for improvement where Manx Care's complaints policy, procedures and practice are concerned.

In instances where the Department takes the view that the relevant administrative arrangements for handling the complaint or the practice applied have had a material impact on Manx Care's judgment and decision making concerning the outcome of the complaint, it may recommend that that the complaint is reinvestigated or another form of dispute resolution pursued (e.g. mediation).

Where necessary, complainants will be redirected to Manx Care for an initial consideration of their complaint under Local Resolution arrangements, or alternatively informed of their right to request an independent review in circumstances where they have exhausted the Manx Care procedure. DHSC will also work collaboratively with the IRB and other independent review mechanisms to ensure they are sighted on matters relevant to their own deliberations.

7. BEST PRACTICE IN COMPLAINT HANDLING

The DHSC is committed to best practice in complaint handling and supports the adoption by its staff of the 'Principles of Good Complaint Handling' advocated by the Parliamentary & Health Service Ombudsman (PHSO) and endorsed by the Ombudsman's Association. These principles provide a benchmark for measuring our own performance under the Department's Corporate Complaints Procedure, and indeed in the evaluation of Manx Care's practice through our responsibilities for the administrative review of complaint handling arrangements under the National Health Services (Complaints)(Amendment) Regulations 2021. The PHSO Principles for Good Complaint Handling can be found under **Annexe 1** to this Policy.

The DHSC and its staff will also ensure that people are not treated differently or negatively as a consequence of having made a complaint and provide reassurance that complaints are positively encouraged and welcomed by the Department.

8. WHO CAN COMPLAIN?

The 2021 Regulations state that 'any person who is affected by or likely to be affected by the action, omission or decision of the Department, Manx Care or primary care provider which is the subject of the complaint' is eligible to complain. Given the strategic responsibility of the DHSC for the Isle of Man's health and social care system, a broad and inclusive approach to eligibility will be applied to persons making a complaint under the Department's Corporate Complaints Procedure. Additional and more specific requirements exist under the 2021 Regulations for patients and service users wishing to complain about health and care services provided by Manx Care and other providers.

The Corporate Complaints Procedure cannot be used by DHSC staff to pursue their dissatisfaction about matters associated with their employment terms and conditions, or to disclose concerns about the conduct, behaviour and professional practise of their colleagues. Concerns of this nature should be raised through the Department's grievance and whistleblowing procedures respectively.

Complaints referred to DHSC that identify the possibility of safeguarding concerns should be directed without delay to the Department's inter-agency Adult Protection Policy & Procedures (2020) for appropriate action and response.

9. MULTI-AGENCY COMPLAINTS

In instances where a complaint involving two or more agencies is made (for example a matter jointly involving DHSC and Manx Care) a decision will need to be made about the lead responsibility for investigating the complainant's concerns. This will depend on the substance of the complaint and will need to be considered on a case by case basis. Due to the nature of the relationship between DHSC and Manx Care, such decisions will require careful consideration so as not to compromise the strategic and regulatory functions of the Department.

10. MAKING A COMPLAINT

People wishing to make a complaint about the DHSC under the Corporate Complaints Procedure, or requesting a review of the way in which Manx Care have handled their complaint under the 2021 Regulations, can refer their complaint to the Department in the following ways:

- Orally to a member of the Department's staff
- In writing to the relevant staff member, manager, team or service area
- Through email, web forms or other electronic media

Due to confidentiality considerations, people raising matters of complaint via social media platforms will be encouraged to make contact with the Department 'offline' to ensure personally identifiable information and data is not placed in the public domain. Complainant's wishing an Executive Review of their corporate complaint about the DHSC should refer their concerns to the Department's Chief Executive.

For people whose first language is not English, or who have sensory or learning disabilities, the Department will make appropriate provision for information about its complaint handling arrangements to be made available. DHSC will also signpost people to advocacy services where independent support to make a complaint is required. Information about the Department's complaints processes will be made available through the DHSC website and through leaflets and other appropriate media.

11. CONFIDENTIALITY AND CONSENT

The personally identifiable data of people referring matters of complaint to the DHSC is subject to the provisions of the General Data Protection Regulation (GDPR) and the Data Protection Act 2018. Due to nature of the Department's strategic functions, duties and responsibilities, and its particular operational role in the administrative review of complaints about services provided by Manx Care, this is likely to include sensitive patient and service user data. In general terms, the common law duty of confidentiality applies (i.e. information given in circumstances where an expected duty of confidence applies cannot normally be disclosed without the information provider's consent).

However, for the purposes of DHSC complaint handling responsibilities, the making of a complaint is taken as implicit authority on the part of the author of the complaint for their personal data to be accessed for the purposes of providing a full and comprehensive response. The exception to this presumption is circumstances where a third party is making a complaint on behalf of another person, and that person's explicit consent is required for the third party to act on their behalf. Where necessary, specialist advice should be sought from the DHSC Information Governance Manager or Caldicott Guardian.

12. EARLY RESOLUTION AND INVESTIGATION OF COMPLAINTS

The following is relevant to the consideration of complaints about the Department under the scope of the DHSC Corporate Complaints Procedure:

Early Resolution

As a matter of general principle, the DHSC advocates the early resolution of complaints through proactive action that resolves the complainant's concerns in the shortest possible timeframe. This may involve the provision of general information, the answering of specific questions, or the taking of a particular course of action. In such circumstances, correspondence confirming the steps taken to address the complainant's concerns can be brief and light touch. However, where the matters raised are more complex and require careful consideration, a more formal investigation may be required.

Investigation

Investigations should be proportionate to the matter of complaint, i.e. the inquiries undertaken should be sufficient to reach a judgment on the issues of complaint raised and should not stray into irrelevant areas or immaterial matters. The focus of all investigations should be upon the following key considerations in order to avoid investigative 'creep' and ensure that the eventual response addresses the matters of importance to the complainant:

- **The complainant's desired outcomes:** it is essential to understand what would resolve matters for the complaint, and this may include an explanation of events; the provision of an apology; changes to departmental service delivery or policy, or financial remedies for quantifiable losses.
- **The complainants defined complaints:** most complaint referrals contain a number of 'heads of complaint', i.e. a number of specific matters about which the complainant is dissatisfied. The investigation should ensure it addresses each legitimate area of complaint.

The investigator will need to access all the available evidence in order to produce a credible report detailing their findings, conclusions and recommendations. Such evidence may include (but not exclusively):

- Documentary evidence in the form of legislation, regulations, policies, procedures, practice guidance, reports, emails and other data as relevant to the complaint.
- Oral submissions and supporting statements gathered from interviews of persons named in, or relevant to the complaint (where required).
- Electronic media including audio-visual recordings and web based data.

The investigator will produce a report of their investigation which detailed their findings, conclusions and recommendations:

- **Findings:** the factual matters identified in the course of the investigation, e.g. contextual evidence concerning matters such as dates and times, and explanatory evidence such as the reasons for any acts of commission or omission (things done or not done).
- **Conclusions:** the investigator's decision concerning the merits of the complaint (based on the civil law standard of the balance of probability) and drawn from the factual findings of the investigation.
- **Recommendations:** the investigator's suggested courses of action to be taken in order to remedy matters

The report should also clearly identify matters of fact and opinion (provable evidence as opposed to subjective personal views) and weight evidence accordingly (i.e. the first-hand account of someone who directly witnessed a certain event is more persuasive than a hearsay statement from someone several times removed).

The report should then be subject to adjudication (decision making) by a senior officer who will consider the investigator's findings, conclusions and recommendations and come to a judgment concerning whether the complaint is upheld or not.

13. RESPONSES TO COMPLAINANTS

The quality and standard of responses to complainants is a critical factor in securing closure in matters of complaint. Good grammatical construction and presentation are essential in order to ensure that the response is accessible, easy to navigate and readable. Furthermore, the content of the response should comprehensively address the matters raised by the complainant and provide a clear indication of whether the complaint has been upheld or not upheld.

Irrespective of whether the complaint has been considered under the DHSC Corporate Complaints Procedure, or in the context of the Department's responsibilities for the administrative review of Manx Care complaint handling under the 2021 Regulations, the following matters should be addressed in the response to the complainant:

- The correspondence and any associated investigation report should be factually accurate and fully address the complainant's defined complaints and desired outcomes.
- Avoid the use of unnecessary jargon wherever possible and provide a clear explanation for any technical or medical terms used.
- Provide a full explanation for any identified failings and unequivocal apologies for any consequential detriment caused.
- Confirmation of any action being taken by DHSC to remedy matters with a clear timeline for implementation.
- An expression of appreciation for having brought the matter to the Department's attention with a reassurance that the matter has been taken seriously.
- Advice on any further rights of appeal, e.g. the right to request an independent review under the 2021 Regulations where matters of complaint about health and social care services provided by Manx Care are concerned.

14. COMPLAINTS ABOUT DETENTION UNDER THE MENTAL HEALTH ACT 1998

Where a patient is complaining about their detention under the Mental Health Act 1998, the matter cannot be considered under the provisions of the National Health Services (Complaints)(Amendment) Regulations 2021. In such circumstances, the patient must be advised to make an application to the Mental Health Review Tribunal. Further advice regarding this process can be obtained from the Mental Health Act Administrator.

15. DHSC REGISTRATION & INSPECTION TEAM

The Registration & Inspection (R&I) Team are part of the Department's wider regulatory functions and have direct responsibility for DHSC responsibilities under the following legislation and statutory regulations:

- Regulation of Care Act 2013
- Regulation of Care (Registration) Regulations 2013
- Regulation of Care (Care Services) Regulations 2013

The R&I Team are responsible for the registration of care services and their subsequent inspection to ensure compliance with the provisions of the 2013 Act, the accompanying Regulations, and the associated service specific minimum standards. Where evidence of non-compliance is found, the Team has the power to issue requirements and where necessary take appropriate enforcement action.

The Regulations place the legal responsibility for the investigation of complaints about registered care services on the providers of such services. They are required to have a complaints procedure and investigate complaints as necessary. The R&I Team will consider the quality and effectiveness of these complaints systems and processes in determining the compliance of the care provider with the relevant regulatory framework.

The DHSC, and the R&I Team specifically, has no statutory duty to investigate complaints about registered care services. Its responsibility is to use its regulatory powers to determine whether a complaint brought to its attention suggests a possible breach of the Regulations. Consequently, the R&I Team does not 'investigate' complaints in the manner of an ombudsman, arbitrator or adjudicator, but rather it uses its powers of inspection to ensure the safety and wellbeing of all service users resident in the establishment subject to complaint.

The undertaking of such inspection activity is entirely discretionary and decisions are based on the nature and substance of the concerns raised, and the quality of any previous complaints response on the part of registered care providers. Where no complaint has previously been made to the care provider, the complainant will be referred to the establishment in question for a response to their concerns. Safeguarding matters will be directed to the Department's inter-agency Adult Protection Policy & Procedures (2020) for appropriate action and response.

Complaints about the R&I Team's service delivery (e.g. matters including its performance and conduct) can be pursued through the Department's Corporate Complaints Procedure. However, this procedure cannot be used to challenge its regulatory judgments or to appeal against regulatory decisions (e.g. enforcement and deregistration).

16. LEARNING FROM COMPLAINTS

Complaints are a rich source of information and intelligence and can be instrumental in shaping future policy and service delivery. Complaints can reveal patterns and trends in customer satisfaction and highlight areas of particular concern or dissatisfaction. The DHSC is therefore committed to using this feedback to improve health and social care services on the Isle of Man, and indeed its own performance as the system's custodian. This will be done in the following ways:

- Learning obtained from complaints made about the Department under the DHSC Corporate Complaints Procedure will be captured through regular reports to the Executive Board. This provides a senior level forum for scrutiny and decision making to ensure that any lessons learnt are acted upon and necessary improvements made.
- Learning obtained from complaints referred to DHSC under the provisions of the National Health Services (Complaints)(Amendment) Regulations 2021 about Manx Care's complaint handling will inform the Department's evaluation of the efficacy of the arrangements for the transfer of health and social care services under the terms of the Manx Care Act 2021.
- The Department's assurance framework for evaluating the performance of the health and social system will be informed by aggregated data highlighting trends and patterns in complaints. This intelligence will be contextualised through reference to other elements of the assurance framework to provide an holistic assessment of how the system is working.

17. FREEDOM OF INFORMATION

The DHSC is a listed public body for the purposes of Schedule 1 of the Freedom of Information Act 2015. Non-personally identifiable data and information about the Department's functions, duties and responsibilities in respect of complaints can be accessed by the public under the provisions of the 2015 Act. This includes performance data and other aggregated statistical information. Subject access requests concerning personally identifiable data held by the Department will be processed under the Data Protection Act 2018 and General Date Protection Regulation (GDPR).

18. VEXATIOUS COMPLAINTS

It is important to distinguish between vexatiousness and persistence in situations where a complainant is repeatedly challenging the Department about an issue of importance to them. In general terms, a vexatious complaint occurs where a matter has been previously raised by the complainant and robustly investigated by DHSC, but the complainant is unwilling to accept the outcome. Persistence on the other hand includes situations where the Department has failed to properly understand the issues raised by the complainant and they are unavoidably required to pursue their concerns in order to obtain a full and comprehensive response.

Each situation must be considered on its merits and with regard to the known facts. If it is concluded that the complaint is vexatious in nature, then the complainant should be informed that the Department will not consider the matter further and will not respond to future correspondence. In such instances a single point of contact within DHSC should be provided to facilitate communication regarding any new and unrelated matters of concern. Complainants must also be informed of the right to refer their complaint about the Department to the Tynwald Commissioner for Administration (Ombudsman).

19. COMPLAINTS AND THE MEDIA

Where a complainant has contacted the media, the Department's Communication Lead should be notified and a strategy for further engagement agreed and acted upon.

20. COMPLAINTS AND LEGAL REPRESENTATION OR ACTION

Complainants may on occasions commission a legal representative to advocate on their behalf in a matter of complaint. This is distinctly different from situations where a complainant decides to pursue legal action (e.g. a negligence claim). In instances where it is confirmed that legal action is indeed being taken, the general position is that any existing complaint investigation about the same or similar matters should be suspended pending the outcome of the legal challenge. Where a legal representative is acting on behalf of a complainant in a matter of complaint not subject to legal challenge, the process should continue unfettered. It should be noted that some complainants will use the complaints process to obtain an investigation report into the matters of concern to them and use this as baseline evidence for a subsequent legal action. Consequently, it is important that investigations are of a quality and standard sufficient to withstand legal rigour.

21. ADVOCACY SERVICES

Annexe 2 of the Complaints Policy provides a list of advocacy services that complainants can approach for assistance and support in making their complaint. These are primarily designed for the purposes of helping patients and service users navigate the complaints process under the National Health Services (Complaints)(Amendment) Regulations 2021, but may nonetheless be similarly relevant for people wishing to pursue a complaint about the Department under the DHSC Corporate Complaints Procedure.

22. COMPLAINTS: GENERAL POLICY STATEMENT

The National Health Services (Complaints)(Amendment) Regulations 2021 provide an intermediary solution to ensure that patients and service users are able to make representations about their care and treatment.

However, the transfer of operational responsibility for health and social care services from DHSC to Manx Care has identified the need for further improvements to the complaints system that will require future legislative reform.

The Department will be advocating for the following key reforms where a future health and social care complaints system is concerned:

- An integrated single health and social care complaints procedure to replace the existing separate legislative and regulatory bases for complaint handling.
- The introduction of a streamlined two step complaints process providing for local resolution and an automatic right of referral to an independent ombudsman or adjudicator.
- The timescale for complaints to be made by service users and patients should be extended from the current 6 months to 12 months in line with internationally recognised best practice.
- A common recognised quality standard for complaints investigations should be introduced to ensure a consistent approach and promote investigatory best practice.
- Clarification of the Department’s role as a non-operational regulatory body without any adjudicatory responsibilities for the consideration of individual matters of complaint about health and social services.

23. ANNEXES

Annexe 1	The Parliamentary & Health Service Ombudsman (PHSO) Principles of Good Complaint Handling
Annexe 2	Advocacy & Support
Annexe 3	Flowchart: National Health Services (Complaints)(Amendment) Regulations 2021
Annexe 4	Flowchart: DHSC Corporate Complaints Procedure

**THE PARLIAMENTARY & HEALTH SERVICE OMBUDSMAN'S
PRINCIPLES OF GOOD COMPLAINT HANDLING**

Everyone has the right to expect a good service from public bodies and to have things put right if they go wrong. Complaints are a valuable source of feedback; they provide an audit trail and can be an early warning of failures in service delivery. When handled well, complaints provide an opportunity for public bodies to improve their service and reputation. Prompt and efficient complaint handling can save public bodies time and money by preventing a complaint from escalating unnecessarily. Learning from complaints can reduce the number of complaints in the future.

Good complaint handling should be led from the top, focused on outcomes, fair and proportionate, and sensitive to complainants' needs. The process should be clear and straightforward, and readily accessible to customers. It should be well managed throughout so that decisions are taken quickly, things put right where necessary and lessons learnt for service improvement. The Principles set out here are intended to promote a shared understanding of what is meant by good complaint handling and to help public bodies deliver first-class complaint handling to all their customers.

GETTING IT RIGHT...

All public bodies must comply with the law and have regard for the rights of those concerned. They should act according to their statutory powers and duties, and any other rules governing the service they provide. They should follow their own policy and procedural guidance on complaint handling, whether published or internal. Good complaint handling requires strong and effective leadership. Those at the top of the public body should take the lead in ensuring good complaint handling, both practice and culture. Senior managers should:

- set the complaint handling policy, and own both the policy and the process
- give priority and importance to good complaint handling, to set the tone and act as an example for all staff
- develop a culture that values and welcomes complaints as a way of putting things right and improving service
- be responsible and accountable for complaint handling
- ensure that effective governance arrangements underpin and support good complaint handling
- ensure the policy is delivered through a clear and accountable complaint handling process
- ensure learning from complaints is used to improve service.

Public bodies should consider the policy and practice of complaint handling as an integral part of the service they provide to customers. Staff should be properly equipped and empowered to put things right promptly where something has gone wrong. They should be supported by clear lines of authority and decision making that are flexible enough to respond to complaints effectively and authoritatively.

Complaint handling should focus on outcomes for the complainant and others affected. Public bodies should put in place policies and procedures to ensure complainants are treated fairly, to aid decision making and to ensure fair outcomes. Those policies and procedures should allow staff the flexibility to resolve complaints promptly and in the most appropriate way while still learning from complaints.

Public bodies should make it clear to complainants when they have provided their final response to a complaint. At that stage, public bodies should provide clear and accurate information about the next stage of the complaint process so the complainant is clear about what to do next if they remain dissatisfied. If the complaints procedure is not the most appropriate way for a customer to take forward their concern, public bodies should also clearly direct them to the most appropriate way, for example through appeals mechanisms.

BEEING CUSTOMER FOCUSED : Public bodies should do the following...

- Ensure their complaints procedure is simple and clear, involving as few steps as possible. Having too many complaint handling stages may unnecessarily complicate the process and deter complainants from pursuing their concerns.
- Ensure that their complaint handling arrangements are easily accessible to their customers.
- Let their customers know about any help or advice that may be available to them if they are considering making a complaint.
- Deal with complaints promptly, avoiding unnecessary delay, and in line with published service standards where appropriate. Resolving problems and complaints as soon as possible is best for both complainants and public bodies.
- Acknowledge the complaint and tell the complainant how long they can expect to wait to receive a reply. Public bodies should keep the complainant regularly informed about progress and the reasons for any delay and provide a point of contact throughout the course of the complaint.
- Treat complainants sensitively and in a way that takes account of their needs.
- Use language that is easy to understand and communicate with the complainant in a way that is appropriate to them and their circumstances. For example, public bodies should make arrangements for complainants with special needs or those whose first language is not English.
- Listen to and consider the complainant's views, asking them to clarify where necessary, to make sure the public body understands clearly what the complaint is about and the outcome the complainant wants.
- Respond flexibly to the circumstances of the case. This means considering how the public body may need to adjust its normal approach to handling a complaint in the particular circumstances.
- Ensure, where complaints raise issues about services provided by more than one public body, that the complaint is dealt with in a co-ordinated way with other providers and referred onwards where necessary.

BEING OPEN AND ACCOUNTABLE : Public bodies should do the following...

- Ensure that information about how to complain is easily available. They should provide clear, accurate and complete information to their customers about the scope of complaints the organisation can consider; what customers can and cannot expect from the complaint handling arrangements, including timescales and likely remedies; and how, when and where to take things further.
- Be open and honest when accounting for their decisions and actions. They should give clear, evidence-based explanations, and reasons for their decisions. When things have gone wrong, public bodies should explain fully and say what they will do to put matters right as quickly as possible.
- Create and maintain reliable and usable records as evidence of their activities. These records should include the evidence considered and the reasons for decisions. Public bodies should manage complaint records in line with recognised standards to ensure they are kept and can be retrieved for as long as there is a statutory duty.
- Handle and process information properly and appropriately, in line with the law and relevant guidance. While policies and procedures should be transparent, they should also respect the privacy of personal and confidential information as the law requires.
- Take responsibility for the actions of their staff and those acting on behalf of the body.

ACTING FAIRLY AND PROPORTIONATELY : Public bodies should do the following...

- Understand and respect the diversity of their customers and ensure fair access to services regardless of background or circumstances.
- Investigate complaints thoroughly and fairly, basing their decisions on the available facts and evidence, and avoiding undue delay. Public bodies should deal with complaints objectively, fairly and consistently, so that similar circumstances are handled similarly. Any different decisions about two similar complaints should be justified by the circumstances of the complaint or complainant.
- Seek to ensure, where a complaint relates to an ongoing relationship between the public body and complainant, that staff do not treat the complainant any differently during or after the complaint.
- Avoid taking a rigid, process-driven, 'one-size-fits-all' approach to complaint handling and ensure the response to an individual complaint is proportionate to the circumstances. This means taking into account the seriousness of the issues raised, the effect on the complainant, and whether any others may have suffered injustice or hardship as a result of the same problem.
- Ask a member of staff who was not involved in the events leading to the complaint to review the case. The public body can still put things right quickly for the complainant where appropriate.

- Act fairly towards staff as well as customers. This means ensuring members of staff know they have been complained about and, where appropriate, have an opportunity to respond.
- A minority of complainants can be unreasonably persistent or behave unacceptably in pursuing their complaints. Public bodies should have arrangements for managing unacceptable behaviour.

PUTTING THINGS RIGHT...

Providing fair and proportionate remedies is an integral part of good complaint handling. Where a public body has failed to get it right and this has led to injustice or hardship, it should take steps to put things right. That means, if possible, returning complainants and, where appropriate, others who have suffered the same injustice or hardship as a result of the same maladministration or poor service, to the position they were in before this took place. If that is not possible, it means compensating complainants and such others appropriately.

In many cases, a prompt explanation and an apology will be a sufficient and appropriate response and will prevent the complaint escalating. Apologising is not an invitation to litigate or a sign of organisational weakness. There is a wide range of appropriate responses to a complaint that has been upheld. These include:

- an apology, explanation and acknowledgement of responsibility
- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures, policies or guidance to prevent the same thing happening again; training or supervising staff; or any combination of these
- financial compensation for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these.

When deciding the level of financial compensation, public bodies should consider:

- the nature of the complaint
- the impact on the complainant
- how long it took to resolve the complaint
- the trouble the complainant was put to in pursuing it.

Remedies may also need to take account of any injustice or hardship that has resulted from pursuing the complaint as well as from the original dispute.

SEEKING CONTINUOUS IMPROVEMENT...

Good complaint handling is not limited to providing an individual remedy to the complainant: public bodies should ensure that all feedback and lessons learnt from complaints contribute to service improvement. Learning from complaints is a powerful way of helping to improve public service, enhancing the reputation of a public body and increasing trust among the people who use its service.

Public bodies should have systems to record, analyse and report on the learning from complaints. Public bodies should feed that learning back into the system to improve their performance. It is good practice for public bodies to report publicly on their complaint handling performance. This should include reporting on the number of complaints received and the outcome of those complaints. Where complaints have led to a change in services, policies or procedures, public bodies could report those changes. Reporting on complaint handling performance can help to:

- motivate staff
- promote achievement
- drive improvement in service delivery
- boost public confidence in the complaint process
- encourage potential complainants to access the scheme properly
- enable public bodies to identify patterns in complaints.

Public bodies should ensure they:

- tell the complainant when lessons have been learnt as a result of their complaint
- state any changes they have made to prevent the problem recurring.

PHSO: first published 2009

ADVOCACY AND SUPPORT

Isle of Man Health and Care Association provides a free complaints advisory service to Isle of Man residents:

Isle of Man Health and Care Association
12 North Quay
Douglas
Isle of Man
IM1 4LE
Telephone 0800 999 3235

Age Concern Isle of Man provides information and sign posting services to older people in the Isle of Man:

Age Concern Isle of Man
Suite 8
3rd Floor
Britannia House
Athol Street
Douglas
Isle of Man
IM1 1JD
Telephone 01624 631740

United Response provides advocacy services to adults with learning disabilities in the Isle of Man:

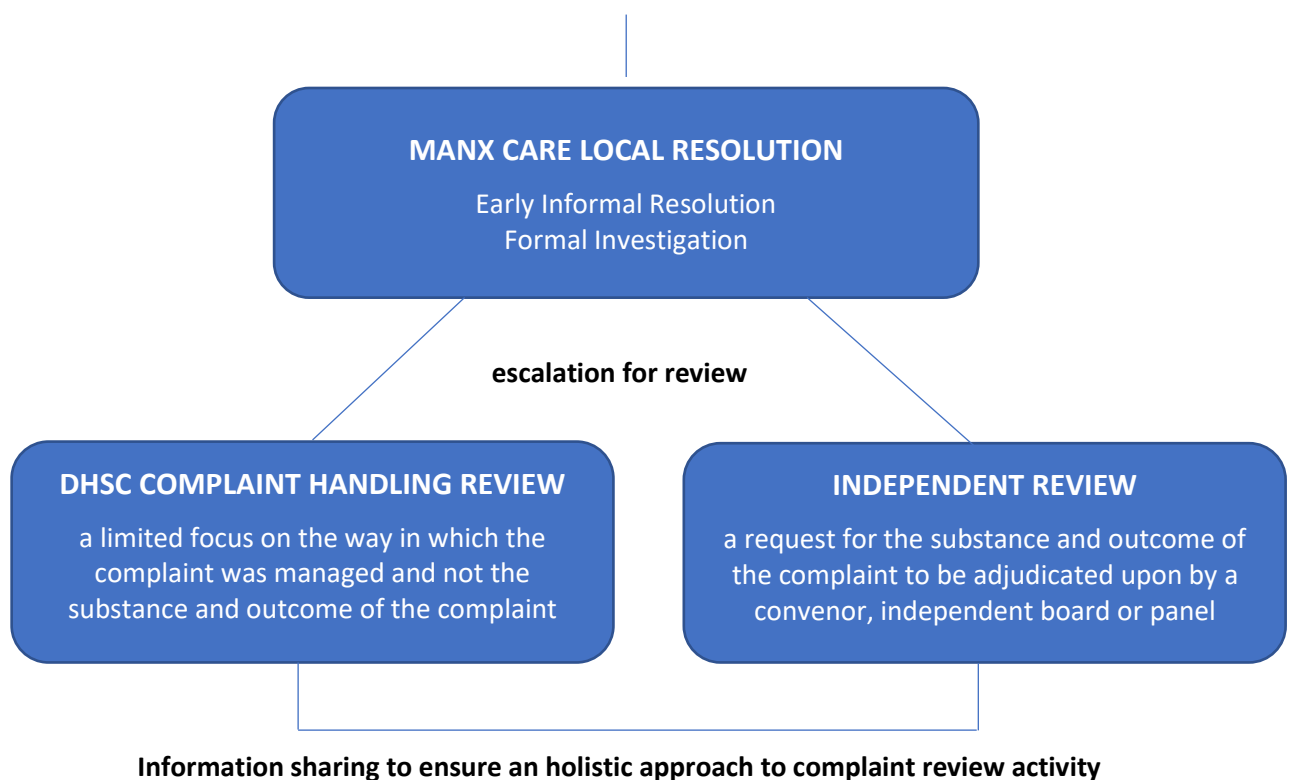
United Response
Eastcliffe Resource Centre
Victoria Avenue
Douglas
Isle of Man
IM2 4AL
Telephone 01624 629777

National Health Service (Complaints)(Amendment) Regulations 2021

PROCESS FLOWCHART

The following flowchart provides a simplified headline overview of the revised arrangements for complaint handling under the provisions of the Manx Care Act 2021 and the associated National Health Services (Complaints)(Amendment) Regulations 2021.

a complaint about health or social care services made by an eligible person

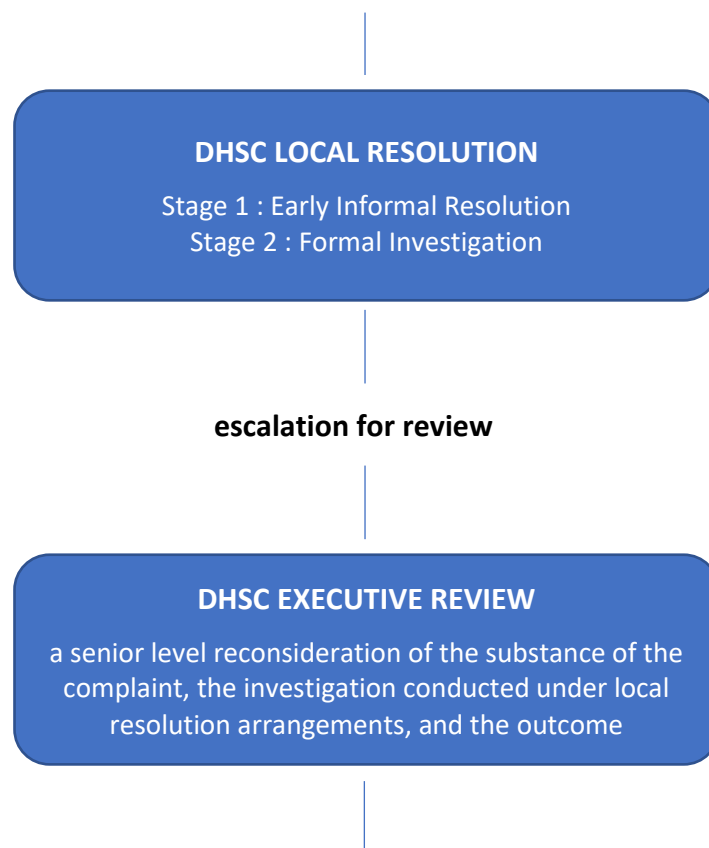


NB: Independent health and social care service providers who are commissioned by Manx Care are required by the Regulations to have their own complaints procedures

**DHSC Corporate Complaints Procedure
PROCESS FLOWCHART**

The following flowchart provides a simplified headline overview of the Department's arrangements for handling complaints about the DHSC as required by the transfer of health and social care service provision to Manx Care under the Manx Care Act 2021 and the associated National Health Services (Complaints)(Amendment) Regulations 2021.

a complaint about a DHSC function



Complaints can be referred to the Tynwald Commissioner for Administration (Tynwald Ombudsman) under the provisions of the Tynwald Commissioner for Administration Act 2011, complaints must be referred to the TCA within 6 months of the Department's final response