



Eich llais mewn iechyd a gofal cymdeithasol | Your voice in health and social care

Working together

## **Complaints and your Objectives**

### **NHS complaints**

An NHS complaint aims to trigger an investigation, obtain answers and explanations, and find out what has gone wrong and how this can be put right and prevented from happening again.

NHS complaints in Wales are governed by the NHS Concerns, Complaints and Redress Arrangements (Wales) Regulations 2011. If a complaint involves a Health Board or NHS Trust in Wales and failure/negligence has occurred, which has caused harm, then the NHS organisation may need to put it right through a system of 'Redress'. This can involve more treatment, apologising, referring a patient elsewhere or making modest compensation payments. Redress is not relevant for all complaints.

### **Social Care or regulated provider complaints**

A social care complaint usually aims to resolve service issues quickly, and in most cases informally, through a stage 1 local resolution review. If concerns about social care are more complex, then a formal investigation in the stage 2 will be undertaken by an independent investigator.

Social Care complaints are governed by the Social Services Complaints Procedure (Wales) Regulations 2014 and follow the complaints guidance called "A guide to handling complaints and representations by local authority social services".

### **Timescales**

A complaint should be made as soon as possible and/or within a year of an incident.

The NHS Regulations regarding complaints suggest that complaints should be answered in 30 working days, but this is a guideline only.

Social Care concerns in stage 1 local resolution reviews should be answered in 15 working days of the body's acknowledgement of the concern.

Social Care concerns in stage 2 formal investigations should be answered in 25 days from the date that the local authority and the person making the complaint agree on the points of concern to be investigated.

Some complaint investigations are complex and will take longer to investigate and respond to.

NHS and Social care bodies are expected to “investigate once and investigate well” although this can mean additional time waiting for a response.

### **Your responsibilities**

- The complaint is yours and although our role is to help you with the complaints process, you remain the decision maker.
- If there are any developments, please let us know. Although the advocacy team regularly monitors all complaints, if you or the relevant NHS/Social Care organisation do not inform us of developments, our records may not be up to date.
- Keep us up to date with your address, telephone numbers and email contact details if they change. You can do this by dropping us any email, letter, or phone call.
- During the complaints process, if your health/care situation or that of the patient/service user changes, please let us know as we are not automatically informed of such changes.
- If we contact you by letter/telephone/email but repeatedly receive no response from you and if there is a long-term absence of communication, we reserve the right to close the case file.

### **Working with you and some things that we cannot do**

- We aim to treat you as we would like to be treated ourselves, courteously and with respect.
- We will listen to your concerns and offer independent advice on the options open to you in the NHS and Social Care Complaints

Procedure. We cannot offer validation of your concerns but will do our best to help you have your concerns heard by the right people.

- Llais advocacy staff deal with up to 200 complaints/enquiries at any time, and specific staff may not be immediately available. Advocacy Support Officers are the first point of contact for most queries, as they can access your case files, provide updates, and arrange for a telephone appointment for you to speak to your Advocate if required. We may ask you to contact us on certain days or times to ensure our availability.
- Unfortunately, we cannot offer walk-in appointments, all meetings should be arranged in good time to allow the team to allocate a meaningful opportunity to discuss your concerns in a suitable environment (private meeting room) and with sufficient time set for the meeting. Initial meetings are expected to last between 1 and 1 and half hours.
- We are unable to accept requests for home visits, unless you are house bound, or you care for someone who is house bound, and you do not have alternative care arrangements. Home visits are rare and require two members of staff to attend. All other meetings with the Advocacy team will take place at our office, which is fully accessible for access needs and privacy.
- Whilst we can appreciate that people may be angry, upset or frustrated by their concerns or ill health, Llais has a zero-tolerance policy towards abusive, aggressive, or unreasonable behaviour. This can include excessively persistent or demanding levels of contact with the team and passive aggressive behaviour that causes the team distress or concern. If requests are unreasonable, excessively persistent or if behaviour is unacceptable, we reserve the right to withdraw advocacy support, without warning in some instances.
- If behaviour causes us concern but does not immediately warrant the withdrawal of our service, we may ask that communication be undertaken in specific ways e.g., on set days, only via email, post or over the telephone. This request will require your agreement before we can continue and any refusal of or deviation from the agreement may result in the withdrawal of our service.

- Our confidentiality is not absolute. If you disclose information, even in jest, which suggests that there may be a risk of harm to yourself/others or intent to break the law, we must refer this information to the appropriate authorities.
- We do not provide a 24-hour or emergency service.
- We cannot attend meetings in your place, as your representative.
- Advocacy staff can only deal with NHS and Social Care matters involving health care, treatment or social care that you have received (unless you are complaining on behalf of a friend or relative with their written authorisation). Anything else is outside of this remit and cannot be addressed through the NHS or Social Care complaints processes.
- We do not provide any kind of health care or medical advice and we do not attend clinic appointments, assessments, multi-disciplinary meetings, or treatment/care reviews.
- We cannot expedite your treatment or care.
- We do not directly investigate complaints, as we have no clinical, investigatory, or legal expertise and cannot influence the investigation process or the length of time the investigation may take.
- We cannot give you legal advice. We cannot assist you with complaint matters that are already being dealt with by legal experts.
- We do not provide counselling.
- We are unable to access, obtain or interpret medical records or care plans on your behalf, but we can direct you to the most appropriate team and application route to request a copy of medical records or care plans. Information you have discovered from medical records or care plans, which you feel support your concerns can be shared with us to help us draft complaint letters.