

## Complaints handling policy and procedure

### 1. Purpose

This document:

- Outlines NHS Business Services Authority's (NHSBSA) complaints handling policy
- Describes the process for dealing with informal and formal complaints
- Defines responsibilities for responding to complaints

### 2. Scope

The NHSBSA's policy is that complaints should be resolved locally, quickly and informally wherever possible. In the event that complaints cannot be resolved locally and informally, this procedure also provides a consistent approach to handling formal complaints.

This policy applies to all staff of the NHSBSA and those suppliers handling customers on our behalf, except where the supplier has a different process stipulated within its contractual arrangements.

This policy does not apply to complaints specifically excluded from the NHS Complaints Procedure such as complaints made by an NHS body in relation to the work of another NHS body. For example, this policy does not apply to complaints by pharmacists against NHS Prescription Services.

### 3. Policy

It is the responsibility of each member of staff to provide good customer service and to try and resolve customer concerns as quickly, fairly and thoroughly as possible.

In addition, the NHSBSA views complaints as an opportunity to learn how we can continue to improve the services we provide to our customers. Where applicable, action is taken to ensure that the problem does not occur again.

The principles underpinning the NHSBSA complaints process are that it is:

- Easy to access and understand
- Speedy, with time limits for action, keeping people informed at all stages of the process
- Informative, so that feedback from complaints can be used to review our practices

- Effective, ensuring all points raised are addressed positively and suitable remedies are provided
- Regularly monitored
- Fair to complainants and staff alike.

#### 4. Definition of a complaint

The NHSBSA definition of a complaint is:

**“An expression of dissatisfaction that requires a response”**

This includes dissatisfaction about the service provided, the conduct of staff and/or the process involved in deciding the appropriate course of action.

The following are examples of things that are treated as complaints:

- Claims of unfair treatment.
- Dissatisfaction about how we have dealt with a situation.
- Claims that a poor standard of service has been provided.
- Claims that staff have been unhelpful or rude.

#### 5. Procedure

##### i) Local resolution (or informal complaints)

One of the underlying principles of the NHSBSA’s complaints process is that complaints are resolved at the earliest opportunity without escalating to the formal procedure. In most cases, complaints will be managed on an informal basis in the first instance. This is intended to provide the complainant with a quick, amicable and satisfactory resolution.

The NHSBSA will aim to resolve informal complaints in no longer than 10 working days, other than in exceptional circumstances when the complainant will be kept informed of progress on a regular and consistent basis.

Consideration will also be given to any improvement opportunities identified as a result of informal complaints.

##### ii) Formal complaints

###### • Review by the Head of Service (known as Stage 1)

Where attempts at local resolution have been exhausted, complainants have the option to make a formal complaint which will be addressed by the relevant Head of Service.

###### **Formal complaint made verbally**

Where a formal complaint has been made verbally, or the complainant needs help preparing a written formal complaint, this process will be supported by the NHSBSA.

Following receipt of a verbal and formal complaint, an acknowledgement letter together with a summary of the complaint will be issued within 3 working days. This will also give the complainant the opportunity to add any further comments or information they consider to be relevant within 7 working days of receiving the summary of the complaint. The

NHSBSA will also offer the complainant an opportunity to discuss and clarify the complaint if such support is required.

If no response is received within 7 working days, the NHSBSA will consider the complaint summary to be accurate and progress accordingly.

The timescale for investigating a formal complaint will not begin until the details of a verbal complaint are confirmed as described above.

### **Written complaint, including email**

An acknowledgement to a written complaint will be issued within 3 working days of receipt setting out the expected process for resolution. The complainant will also be notified that a substantive reply will be issued by the relevant Head of Service within 25 working days of receipt of the complaint.

### **Investigation**

An investigation will be carried out by a senior member of staff selected by the relevant Head of Service but independent of the issue involved.

### **Response**

The Head of Service will review the investigation outcomes and issue a written response to the complainant within 25 working days of receipt of the complaint. This response can be issued via email if the original complaint was received via email.

The response will address the issues raised and notify the complainant of the review process should they remain dissatisfied.

### **Delays**

If it is not possible to provide a response within 25 working days, the complainant will be informed of the reason for the delay as soon as possible (but no later than 25 working days) and a revised response date will be set.

### **NHS Pensions**

To ensure compliance with pension legislation, NHS Pensions handles stages of the formal complaints process differently. For ease of reference, the formal stages of NHS Pensions' complaints and disputes process are attached to this policy. It clearly sets out each stage of the formal process including other avenues of redress, should a customer remain dissatisfied with the service they have received from NHS Pensions.

### **Compliance with Data Protection and Freedom of Information legislation**

This policy does not apply to the NHSBSA's handling of information requests under the Data Protection Act or the Freedom of Information Act. There are separate appeals procedures related to the handling of these requests which can be found at

[www.nhsbsa.nhs.uk/FreedomOfInformation.aspx](http://www.nhsbsa.nhs.uk/FreedomOfInformation.aspx) and  
[www.nhsbsa.nhs.uk/DataProtection.aspx](http://www.nhsbsa.nhs.uk/DataProtection.aspx).

## • **Appeal to the Chief Executive (known as Stage 2)**

If a complainant remains dissatisfied, they have an opportunity to request that the Chief Executive (CEO) of the NHSBSA reviews their complaint. The opportunity for review will be made clear to the complainant when they receive response at stage 1 (see above).

The CEO's review will focus on the process followed when investigating and responding to the original formal complaint to ensure the complaint was handled correctly and appropriately. This will include whether the complaint was fully addressed and in the appropriate manner and in compliance with the complaints procedure. The review is unlikely to re-investigate the whole complaint unless it is deemed necessary and this is reflected in the reduced timescales below.

The CEO will acknowledge receipt of the complainant's request for a review within 3 working days.

The CEO will allocate the complaint to a senior member of staff, independent of the issue being complained about, who will investigate the complaint and report their findings to the CEO.

The CEO will respond to the complainant no more than 15 working days from the date of receipt of the review request. If any extension to this timescale is required, the CEO should notify the complainant of the reason for the delay soon as possible (but no later than 15 working days) and a revised response date will be set.

The final letter from the CEO would also detail the options available for further redress to the complainant should they remain dissatisfied. At this stage, this is likely to suggest a referral to Parliamentary and Health Service Ombudsman.

### **NHS Protect**

Please note that stage 2 complaints relating to NHS Protect will not be handled by the NHSBSA Chief Executive. Due to local arrangements, stage 2 complaints will be reviewed directly by the Department of Health. The timescales outlined above will still apply.

## **iii) Parliamentary and Health Service Ombudsman (known as Stage 3)**

If a complainant remains dissatisfied following the Chief Executive's review, they will have exhausted the NHSBSA's internal complaints procedure but can choose to escalate the complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman's role is to investigate complaints where individuals feel they have been treated unfairly or have received poor service from public organisations such as the NHS.

Contact details for the Ombudsman are below and these details will also be included in the final appeal response any complainant receives from the Chief Executive (as described earlier in stage 2).

The complainant will deal directly with the Ombudsman, who will advise whether they are able to pursue the complaint. As part of any investigation, the Parliamentary and Health Service Ombudsman will contact the NHSBSA directly for any relevant information. The NHSBSA will fully co-operate with the Ombudsman during their investigation.

## **Ombudsman contact details:**

The Parliamentary and Health Service Ombudsman  
Millbank Tower Millbank London  
SW1P 4QP

Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

Tel: 0345 015 4033

## **NHS Student Bursaries**

It should be noted that in accordance with the Department of Health's NHS Bursary Scheme Rules, complaints regarding NHS Student Bursaries which have exhausted the NHSBSA's internal complaints process are escalated to the Department of Health. The complainant will deal directly with the Department and the NHSBSA will fully co-operate with the Department as required during their investigation.

The Department of Health's contact details are:

NHS Bursary Complaint  
F.A.O. Jenny Firth  
Workforce Development Strategy External Relations Directorate  
Quarry House  
Quarry Hill  
Leeds  
LS2 7UE

## **6. Management of unreasonable complainant behaviour**

The NHSBSA is committed to dealing with all complaints fairly and impartially. In a very small number of cases people can pursue their complaints in a way that is considered to be unreasonable.

Where necessary, we will take proportionate action to protect the wellbeing of our staff and the integrity of our processes. This may result in a restricted access to our service when unreasonable behaviour of this nature persists.

### **Unacceptable and unreasonably persistent behaviour**

Complainants may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede the investigation of their complaint (or complaints by others) and can create resource issues. Such actions can occur while their complaint is being investigated or once the investigation has concluded.

The NHSBSA will not tolerate deceitful, abusive, offensive, threatening or other forms of unacceptable behaviour from complainants.

Persistent displays of the kind of behaviours described above could result in a complainant being classed as unreasonable and thereafter certain restrictions applied to that individual. Such restrictions are applied to an individual complainant or individual and are not necessarily restricted to a specific complaint.

Such actions or restrictions could include:

- Restricting telephone calls to specified days and limited times.
- Limiting contacts to one form only (for example, a maximum of one letter a week).
- Requiring contact to take place with one named member of staff.
- Requiring the complainant to enter into an agreement about their future behaviour before proceeding.
- Managing contact with the help of an independent advocate.

Other suitable options could also be considered in the light of the complainant's circumstances.

In very exceptional circumstances, and if a complainant continues to behave unreasonably despite restrictions in place, the NHSBSA may regrettably decide to terminate contact with them and discontinue any further investigation into their complaint.

*Only the NHSBSA Chief Executive can designate a complainant as unreasonable in line with this policy.*

*Updated November 2016*

## NHS Pensions – formal complaints and disputes process

**This section adds clarity regarding the formal complaints process for NHS Pensions. This is necessary to comply with national legislation relating to pensions.**

If a complaint has not been resolved informally to a satisfactory level at an informal level, the complainant may ask for their case to be considered under the formal Dispute Resolution procedure - the stages of which are set out below:

### **i) Formal internal dispute resolution – Stage 1 (IDR1)**

For the first stage, the complainant should complete and send the form DRP1 to NHS Pensions - available at <http://www.nhsbsa.nhs.uk/Pensions/4122.aspx> - using the same form for Pension Scheme or Injury Benefit Scheme complaints, unless the complainant has already written or telephoned with the complaint. The complainant should provide:

- Full name, date of birth and National Insurance number;
- NHS Pension Scheme membership number or Injury Benefit reference number, depending on which scheme the complaint concerns. These numbers are quoted on the correspondence.
- If the complainant is a relation of the NHS Pension Scheme member or Injury Benefit claimant, their details will need to be provided. If the complainant is acting as a representative, full name, relationship to the NHS Pension Scheme member or Injury Benefit claimant and the address where the reply should be sent to should be provided.
- the reason for the complaint or disagreement; the forms should then be signed or signed on behalf of the person complaining.

### **Investigation and response**

A Disputes Officer will review the papers and carefully consider each point made in the application of complaint. NHS Pensions will respond in writing with the outcome of the review. NHS Pensions aims to:

- Explain the decision, and whether there has been any change to the previous decision;
- Refer to any regulations or law affecting the decision; refer to any other papers which were important in reaching the review decision and indicate where any discretion under Scheme rules has been given; and
- Give the name and address of the person reviewing the case and to whom any further letter should be sent.

NHS Pensions is required by law to reply within **two months** or to tell the complainant if it has not been possible to do so. NHS Pensions will keep the complainant informed of progress.

## **ii) Formal internal dispute resolution - Stage 2 (IDR2)**

If the complainant is dissatisfied with the decision at stage 1, the case can be looked at a second time. If the complainant wishes a second review, this must be requested in writing to NHS Pensions within six months.

### **Investigation and response**

The second review will be carried out by a Pension Scheme Manager who is required by law to reply within **two months** or to tell the complainant if it has not been possible to do so. As at Stage 1, NHS Pensions will keep the complainant informed of progress.

## **iii) Other avenues open to the complainant**

### **a. The Pensions Advisory Service (TPAS)**

The Complainant can ask TPAS to help at any stage of the complaint or dispute process. Their address is:

TPAS  
11 Belgrave Road  
LONDON SW1V 1RD  
Tel 0300 123 1047

TPAS can also be contacted through local Citizens Advice Bureaus, whose address and telephone number is available in Yellow Pages or alternatively from the TPAS website at [www.pensionsadvisoryservice.org.uk](http://www.pensionsadvisoryservice.org.uk)

### **b. The Pensions Ombudsman**

The Pensions Ombudsman can be asked to investigate and give a decision on any complaint or dispute of **fact or law**. However, the Pensions Ombudsman would normally expect any complaint to have been looked at under the Dispute Resolutions procedures first. The Pensions Ombudsman is at the same address as TPAS, and their telephone number is:

020 7630 2200

or visit their website at <https://www.pensions-ombudsman.org.uk/>



### **c. The Pensions Regulator (TPR)**

The Pensions Regulator is responsible for granting time limit extensions for payment of cash equivalents – for transfers – and for complaints about non-disclosure of information.

Their address is:

The Pensions Regulator  
Napier House Trafalgar Place Brighton  
BN1 4DW

Tel 0870 606 3636