

Overseas Healthcare Services

Complaints policy

1. Purpose

This document is an appendix to the NHS Business Services Authority (NHSBSA) complaints handling policy and procedure. Overseas Healthcare Services (OHS) handles stages of the formal complaints process differently to other services at the NHSBSA. This procedure details the complaints process for OHS.

2. Informal complaint (Early Resolution)

In most cases, we will try to resolve your complaint informally at first. This is intended to provide you with a quick, fair and satisfactory resolution.

We aim to resolve informal complaints within 10 working days. Where this needs to be extended, for example where your complaint is complex, we will write to you with a revised date and keep you updated regularly.

3. Written complaint

If we have been unable to resolve your concerns, the NHSBSA Customer Resolutions Team can forward your complaint to an Assurance Caseworker.

Alternatively, you can send a written complaint by email to:

nhsbsa.ohscomplaints@nhsbsa.nhs.uk

Or post to:

OHS Complaints
Bridge House
152 Pilgrim Street
Newcastle Upon Tyne
NE1 6SN

To help us deal with your complaint quickly, include:

- your OHS reference number (if known)
- your full name and date of birth
- the email or postal address where the reply should be sent
- the reason for the complaint or request for review of the decision

- any supporting information you wish to have included in your review or complaint
- a signed declaration by the applicant, medical evidence or Power of Attorney if you are a third-party writing on behalf of an applicant.

An Assurance Caseworker will aim to resolve your case and respond in writing within 10 working days of receipt of your complaint, other than in exceptional circumstances when you will be given a revised date. The response will be issued in the same format as your complaint (email or post), unless requested otherwise.

The response will provide:

- the name of the person who is reviewing your case
- a review of the information and response provided during the review (if applicable)
- the outcome of the review
- an explanation of the decision and whether the original decision has been overturned or upheld (if applicable).

4. Formal complaint – Stage 1

Where attempts at local resolution have been exhausted and you remain dissatisfied with the outcome of your complaint, you can make a formal complaint by letter or email which will be addressed by the OHS Head of Service.

We will acknowledge this in writing within three working days. This will include a summary of the complaint. You will then have seven working days to tell us if you want to add or correct any information in the summary. If no response is received, your complaint will be progressed based on the summary provided in our acknowledgement.

An investigation will be carried out on behalf of the Head of Service by a senior member of staff and an Assurance Caseworker independent of the issue.

The Head of Service will review the investigation outcomes and will issue a written response to your complaint within 25 working days of receiving of your complaint. If we are unable to respond within 25 working days, we will let you know and give you a new expected date for the response. The response will address the issues raised and explain what you can do next if you are still dissatisfied with the outcome.

5. Formal complaint – Stage 2

If you remain dissatisfied, you can appeal to the NHSBSA Chief Executive Officer (CEO). The opportunity for review will be made clear in the response at Stage 1. You must request this review in writing to OHS within 90 calendar days of the Stage 1 response being issued.

The CEO will acknowledge your Stage 2 complaint within three working days of receiving it.

The CEO will appoint a senior member of staff, who has not previously been involved, to investigate the complaint and report their findings. The CEO will review the process followed whilst investigating and responding to your original complaint. They do this to ensure it was handled correctly and in line with OHS policies and procedures. The review will not normally re-investigate the whole complaint unless it is deemed necessary.

The CEO will respond within 15 working days from the date of receipt. If your complaint needs more time to review, this timescale may be extended. If this happens, we will contact you with a new expected timeframe. The final letter from the CEO will also explain what other options you have, such as the Parliamentary and Health Service Ombudsman if you are still dissatisfied.

6. 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.

The Parliamentary Health Service Ombudsman (PHSO) will only investigate a complaint made about the NHSBSA if it has been through our two-stage complaints process first.

What to do?

You must contact the PHSO within one year of when you became aware of the issue by:

Email: phso.enquiries@ombudsman.org.uk

Telephone: 0345 015 4033

Or in writing to:

PHSO

Citygate

Mosley Street

Manchester

M2 3HQ

If you live in Wales you can contact the Public Services Ombudsman for Wales directly within 6 months of the date of response on your Stage 2 complaint:

Email: ask@ombudsman.wales

Telephone: 0300 790 0203

Or in writing to:

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

What happens next?

The Ombudsman or Public Services Ombudsman for Wales will let you know if you can 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 cooperate fully with the Ombudsman during the investigation.

The Ombudsman will contact you with their response.

Additional information

Our commitment to you

We deal with all complaints fairly and impartially. We will consider any accessibility and reasonable adjustment requirements, recording any that we make.

If our trained complaints handler identifies at any time that anyone involved in the complaint may have experienced or is at risk of harm, they will discuss the matter with relevant colleagues and initiate safeguarding procedures.

The NHSBSA complaints procedure is underpinned by the following principles. It aims to be:

- easy to access and understand
- speedy, with time limits for action, keeping you 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 solutions are provided
- regularly monitored
- fair to you and NHSBSA colleagues alike.

We will maintain confidentiality, anonymising any complaint outcome data that may be published on our website. We are committed to improving our services; senior management take an active interest and involvement in all sources of feedback and complaints to help us improve.

If an Early Resolution, Stage 1 or Stage 2 complaint is made to us after the timescales stated, we may still be able to consider the complaint.

If you behave unreasonably

In a very small number of cases people can pursue their complaints in a way that is unreasonable.

Where necessary, we will take action to protect the wellbeing of our colleagues and the integrity of our complaints procedure.

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

Anyone who continues to display these types of behaviours may be put under certain restrictions by the NHSBSA during or after the handling of a complaint. These measures may include:

- telephone calls being restricted to specified days and limited times
- contact limited to one form only (for example, a maximum of one letter a week)
- contact being required to take place with one named member of staff only
- an agreement about future behaviour before the complaint is progressed
- contact being managed with the help of an independent advocate.

If at any time we see that a representative is not acting in the best interests of the person affected, we will assess whether we should stop our consideration of the complaint. If we do this, we will share our reasons with the representative in writing and advise them that they may complain to the Ombudsman if they are unhappy with our decision.