

1. Definitions

Healthwatch refers to Healthwatch Brighton and Hove.

Employees refers to Healthwatch employees.

CEO refers to the Healthwatch Chief Executive Officer.

The Board refers to the Healthwatch Board of directors.

Volunteers refers to all Healthwatch volunteers including Directors.

2. Scope

The Board has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the Chief Executive Officer. Suggestions for changes to this policy should be reported to them.

This Complaints Policy outlines how anyone using or trying to use Healthwatch services can tell us if they are unhappy about the standard of our service or the fact that we have not provided a service.

Anyone directly affected, or anyone acting directly on such a person's behalf (such as a carer or relative) may make a complaint under this policy.

3. Summary

The Board has overall responsibility for the effective operation of this policy. The Board has delegated responsibility for overseeing its implementation to the Chief Executive Officer and Non-Executive Board member with responsibility for safeguarding. Suggestions for changes to this policy should be reported to them.

We embrace feedback from: people using services, carers and relatives, private and voluntary organisations, statutory agencies, providers, and the public. Complaints as feedback can act as an early indicator that something is not working effectively, and analysing these trends can provide valuable insight and act as a driver for change.

We will treat both concerns and complaints in the same way.

We will review this policy on a regular basis.

4. Equality, diversity, and inclusion

4.1. Healthwatch is committed to ensuring all complaints are handled free from any form of discrimination on the grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

- 4.2. We will provide reasonable adjustments to the procedure set out below to empower those who need support in making a complaint, such as the right to be accompanied to any necessary meetings and provide accessible information in appropriate formats.
- 4.3. Please let us know if you need our complaints procedure in a different format such as Easy Read, large print, another language or any other format and we will make reasonable adjustments to support you in sharing your concern or complaint with us.
- 4.4. Healthwatch Brighton and Hove will monitor this policy to identify whether it is having an adverse impact on any group of individuals and act accordingly.

5. Definition of a complaint

- 5.1. For the purposes of this Procedure, a complaint is any written or spoken expression of dissatisfaction with Healthwatch about its actions, lack of action, the standard of services provided by us, or on our behalf, our employees, and volunteers. A complaint can be made to any Healthwatch employee or volunteer in person, by telephone or in writing (by letter or e-mail).
- 5.2. Examples of complaints may include:
 - Administrative errors (including mistakes, delays).
 - Unprofessional behaviour.
 - Failure to comply with standards.
 - Failure to follow proper procedures.

6. Healthwatch undertakings

- 6.1. We aim to make complaining about our actions, services, employees, and volunteers as easy as possible. We undertake to:
 - Treat all complaints seriously and to investigate them promptly and fairly.
 - Listen carefully to your concern.
 - Do everything possible within our resources to resolve complaints to the satisfaction of complainants and try to find a resolution.
 - To investigate your complaint as fully as possible within our available resources and to let you know about any limitations as to what we can do.
 - Be polite, helpful and deal with your complaint fairly and efficiently.
 - Let you know how we are getting on with your complaint.
 - Provide an appropriate, compassionate, and timely resolution for all parties.
 - Promote a learning culture when things go wrong, admit to our mistakes and drive improvements to the way we deliver our functions.

- Uphold the principles of our values and behaviours.
- Promote a positive culture and contribute to our overall effectiveness as a high performing organisation.
- Advise you of the right of appeal against a decision.

7. Investigation of complaints

- 7.1. In the first instance we would encourage you to tell us as soon as possible if you are unhappy with our service so that we can understand your concerns and quickly try to put things right for you. We would ask that the complainant make it clear that they are making a complaint and what action and / or resolution they are seeking. Providing information or discussing misunderstandings and misconceptions at this early stage may enable your concern or complaint to be successfully resolved. You can discuss with any member of the team or contact us via telephone, email, or letter.
- 7.2. If the concern or complaint is not resolved to your satisfaction then you should notify us via email, letter or via a telephone conversation with an employee or a volunteer.
- 7.3. If your concern relates to an employee who is not the CEO, a volunteer, to our actions or inactions or services, this will be passed to the CEO of Healthwatch Brighton and Hove.
- 7.4. If your concern or complaint relates to the professional conduct of the CEO or another Board member, then this will be passed to the Chair of Healthwatch Brighton and Hove.
- 7.5. The CEO or Chair will review and arrange the investigation of all concerns and complaints. They will gather relevant information within available resources and carefully evaluate it to decide on your complaint.
- 7.6. Healthwatch Brighton and Hove will acknowledge the concern/complaint in writing (or in the complainants preferred method of communication) within 3 working days. We will contact you to acquire as much information as possible and explain how your concern or complaint will be handled.
- 7.7. Attempts to resolve the concern/complaint will be completed within 15 working days of establishing the nature of the concern/complaint and the response will be communicated in writing. Exceptionally, if further time is needed, where possible this will be agreed with you.

8. Vexatious/malicious complaints:

Vexatious complaints:

- 8.1. A vexatious complaint is one that is pursued, regardless of its merits, solely to harass, annoy or subdue somebody; something that is unreasonable, without foundation,

frivolous, repetitive, burdensome, or unwarranted. Examples include, but are not limited to:

- 8.2. Where the complainant persists in pursuing a complaint that has already been investigated and provides no new or material information.
- 8.3. Seeks to prolong contact by continually changing the substance of a complaint or by continually raising further concerns or questions whilst the complaint is being addressed.
- 8.4. Fails to clearly identify the substance of a complaint, or the precise issues which may need to be investigated despite reasonable efforts by the manager to assist them.
- 8.5. Complaints which are solely about trivial matters to an extent which is out of proportion to their significance.
- 8.6. Makes excessive contact with Healthwatch / the investigating officer or seeks to impose unreasonable demands or expectations on resources, such as responses being provided more urgently than is reasonable or necessary.
- 8.7. Where a complaint is investigated and deemed to be vexatious it will not be subject to a full review by Healthwatch and the reasons for our decision will be shared with the complainant by the CEO or Chair. The decision will be final and will not subject to a Right of Appeal.

Malicious complaints:

- 8.8. A malicious complaint is one that is made with the intention of causing harm, for example:
 - Deliberately seeking to defame a Healthwatch employees or Board members or volunteer and raising a complaint with this intent.
 - Through lying about an issue or incident in the knowledge that this will cause harm.
 - Through knowingly basing a complaint on rumour and gossip with the intention of causing harm.
- 8.9. A malicious complaint is defined as one that has shown to be without foundation.
- 8.10. Where a complaint is investigated and deemed to be malicious it will not be subject to a full review by Healthwatch and the reasons for our decision will be shared with the complainant by the CEO or Chair. The decision will be final and will not subject to a Right of Appeal.

Vexatious/malicious complaints:

- 8.11. In determining whether a complaint is vexatious or malicious, the mere fact that an individual has brought several complaints in the past will not be sufficient grounds for refusing to consider a complaint if it raises new matters. Each case will be considered on its merits, be evidence based and investigated, as appropriate.

9. Safeguarding complaints:

- 9.1. All safeguarding complaints will be dealt with according to the Healthwatch Adults and Healthwatch Children's Safeguarding policies. See Additional Policies section for details.
- 9.2. **Healthwatch employee and volunteers.** Where we receive a complaint about the conduct or behaviour of a Healthwatch employee or volunteer who holds a position of trust or LADO role, which might pose a risk to adults or children with care and support needs, this should be raised with the Healthwatch Designed Safeguarding Lead (DSL, usually the CEO) or their deputy. Where the complaint is made against the CEO, the issue should be raised with the Healthwatch Chair. The DSL or Chair will advise the Local Authority of the safeguarding complaint. The complaint will be investigated using this Complaint Procedure and any disciplinary proceedings will be follow the Disciplinary Policy. The Chair, DSL or their duty will make a referral to the Disclosure and Barring Service (DBS) and / or other professional registration bodies where appropriate.
- 9.3. **Others who hold a position of trust or LADO role.** Where we receive a complaint about the conduct or behaviour of a person in a position of trust or LADO role, which might pose a risk to adults or children with care and support needs, this should be raised with the Healthwatch Designed Safeguarding Lead (DSL, usually the CEO) or their deputy. The DSL will pass the complaint onto the Local Authority as a safeguarding concern.
- 9.4. In both cases, Healthwatch will maintain records of the number and nature of allegations or complaints made, outcomes of enquiries/investigations and employers should use these to inform service improvement.

10. Complaints we cannot deal with

- 10.1. There will be occasions where the issues raised cannot be considered under this complaint's procedure. Where this is the case, the CEO will explain why this is, along with who to contact.
- 10.2. The following are the types of issues which will not fall under the scope of the procedure:
- Complaints about providers of health and social care. These will be dealt with according to our advice about how to complain to services.

- Complaints about the action or inaction of the Government, Department of Health, NHS bodies, local councils, and partnership organisations.
- Complaints about other local Healthwatch teams or Healthwatch England. These will be referred to the local Healthwatch or in some instances the council which commissions the local Healthwatch, or Healthwatch England.
- Complaints about employment from Healthwatch employees or former employees.
- Concerns connected with contractual or commercial disputes involving Healthwatch.
- We will not consider any complaints where an investigation would not serve any useful purpose, or where to do so would not be an appropriate use of the complaint's procedure having regard for the proper use of public funds.
- Anonymous complaints will be carefully reviewed by the Healthwatch CEO who will decide on what action to take.

10.3. We will not investigate complaints that we reasonably consider would be more appropriately dealt with by a referral to the:

- The Care Quality Commission.
- Information Commissioner.
- Parliamentary and Health Service Ombudsman.
- Local Government Ombudsman.
- Relevant professional body or association.
- Tribunal or other legal process.
- Other local Healthwatch or Healthwatch England.
- NHS Sussex.

11. Suspending or pausing the complaints procedure

11.1. In the following circumstances, the complaints procedure may be suspended, either because the law requires it, or it is in the interests of all concerned to allow another process or investigation to run its course before acting under our complaints process.

11.2. Some examples include:

- Healthwatch England employees' disciplinary action.
- A criminal or fraud investigation.
- A child or adult protection investigation.

11.3. The final decision to suspend the complaints sits with the Healthwatch CEO and Chair. In addition, where further information is needed, it may be paused until the

information required has been received. During the pause, if necessary, the CEO or Chair will contact the complainant twice to ask them for the necessary information. If it is not received within the specified deadline, the complaint will be closed, and the customer informed. Consideration will be given in exceptional circumstances, dependent on the reason for the delay, to re-opening the case if the required information is produced.

12. Right of Appeal

- 12.1. If you are not happy with the outcome of our investigation, you will be able to appeal. Please contact us within 10 working days of receiving your written reply from us with your concern(s). These will be passed to the CEO or Chair who has not previously been involved with your complaint. They will review the facts and consider all the evidence to decide if your appeal is upheld. They will share their findings and confirm their decision to you in writing within 10 working days.
- 12.2. The decision of any appeal will be considered final, there is no further right of appeal to Healthwatch. The concern or complaint will then be closed.
- 12.3. If you are still not satisfied you can take your concern/complaint to the Commissioner for Healthwatch Brighton and Hove at Brighton and Hove City Council (detail on request).
- 12.4. You may also subsequently take your concern/complaint to the Local Government Ombudsman. <http://www.lgo.org.uk>

13. If the details of a complaint are to be used for quality improvement or training purposes,

- 13.1. Express permission will be sought from the complainant and personal details will be anonymised from all information prior to it being used.
- 13.2. All personal information collected by Healthwatch Brighton and Hove shall be handled in accordance with the provisions of the General Data Protection Regulation (GDPR) as detailed in our Data Protection Policy.

14. Data protection

- 14.1. To help us handle your complaint we will keep a record of all the information we gather. All information held and processed shall be treated in confidence. Such information will be shared with representatives of Healthwatch Brighton and Hove only to the extent required to resolve the complaint in accordance with this policy and procedure.

15. Review of Policy

- 15.1. This policy will be reviewed regularly by Healthwatch.
- 15.2. Reviews may also be triggered in the light of a serious incident.

16. Additional Policies & Documents

- 16.1. The Healthwatch policies and documents referred to in this policy are available on request by contacting the Healthwatch Team on 01273 234 040 or email to policies@healthwatchbrightonandhove.co.uk.

Date Policy Reviewed	2 September 2023
At the 15 January 2024 meeting of the Healthwatch Brighton and Hove Board of Directors, the Board approved the recommendation to delegate authorisation of operational policies to the Chief Executive Officer of Healthwatch.	
Date Approved by the CEO	2 February 2024
Next Review Date	February 2026