

The NHS Confederation

Charity number 1090329

Company number 04358614

Complaints Policy

Date policy agreed by Board of Trustees

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Owner of policy

Director of People and Governance

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Introduction

Purpose of this policy

The purpose of this policy is to set out a clear approach to dealing with complaints within the NHS Confederation.

Scope

This policy applies to anyone who wishes to make a complaint about the NHS Confederation.

[NB NHS Confederation staff wishing to make a complaint should refer to, and follow, the Grievance Policy and Process.]

Anyone working at the NHS Confederation¹ should be familiar with this policy and refer to it should a complaint be forthcoming. These include:

- all staff, including chief executives, directors, senior managers, employees (whether permanent, fixed-term or temporary), seconded staff, homeworkers, agency workers and volunteers
- consultants and contractors
- trustees and committee members.

Any employing or contracting manager must ensure that all temporary staff, consultants, or contractors are aware of this policy.

By the NHS Confederation we mean the NHS Confederation charity, any subsidiary companies, and any hosted networked organisation.

The NHS Confederation has designated the Director of People and Governance as the individual who is responsible for ensuring that the NHS Confederation implements this policy.

This policy should be read in conjunction with the organisation's Grievance and Whistleblowing policies.

¹ Collectively referred to as workers in this policy

Policy statement

The NHS Confederation is committed to working in an open and accountable way that builds the trust and respect of all our stakeholders. One of the ways in which we can continue to improve our service is by listening and responding to the views of our members, customers and stakeholders, and in particular by responding positively to complaints, and by putting mistakes right.

Therefore, we commit to:

- 1) ensuring a clear and simple complaints process
- 2) dealing with complaints promptly, effectively and where appropriate, confidentially
- 3) responding to complaints in the right way - for example, with an explanation, or an apology where we have got things wrong, or information on any action taken etc
- 4) learning from complaints to inform or improve our service by maintain and reviewing a complaints log.

In developing this policy it is important to distinguish between a concern and complaint:

- A concern may be defined as 'an expression of worry or doubt over an issue, that is considered to be important for which reassurances are sought'.
- A complaint may be defined as 'an expression of dissatisfaction however made, about a service, actions taken or a lack of action by NHS Confederation, a staff member or trustee that requires a formal response'.

Many concerns can be resolved informally and outside of this policy such as via informal dialogue. Comments and responses on social media do not fall within this policy and may not always receive a direct response.

For complaints, we always seek to resolve these informally and promptly in the first instance. If they cannot be resolved then the formal complaints process shall be followed.

Guidance notes

Formal Complaints Procedure

If the complaint cannot be resolved informally then the following procedure shall be used.

NHS Confederation's responsibility will be to:

- acknowledge the formal complaint in writing.
- respond within a stated period of time.
- deal reasonably and sensitively with the complaint, exerting confidentiality where required.
- take action where appropriate.

A complainant's responsibility is to:

- bring their complaint, in writing, to NHS Confederation's attention normally within 8 weeks of the issue arising;
- explain the problem as clearly and as fully as possible, including any action taken to date;
- allow NHS Confederation a reasonable time to deal with the matter;
- recognise that some circumstances may be beyond NHS Confederation's control
- recognise that on occasion after investigation, some details may not be shareable with the complainant due to the sensitive nature, e.g., a staff disciplinary

Stage 1

If you are unable to resolve the issue informally, you should write to the member of staff who dealt with you (or their manager if it is about the staff member), so that they have a chance to put things right.

In your letter you should set out the details of your complaint, the consequences for you as a result, and the remedy you are seeking.

You can expect your complaint to be acknowledged within 7 working days of receipt. The staff member or their manager will investigate your complaint and you with a response and an explanation within 14 working days.

Our contact details can be found on the [Contact Us](#) part of the NHS Confederation website. If your complaint is not relating to an interaction with a particular team or staff member then please contact via this page so your complaint can be directed accordingly.

Stage 2

If you are not satisfied with the initial response to the complaint, then you can write to NHS Confederation's Director of People and Governance at governance@nhsconfed.org and ask for your complaint and the response to be reviewed. You can expect the Director, or a nominated substitute, to acknowledge your request within 7 working days of receipt and a response within 14 working days.

NHS Confederation's aim is to resolve all matters as quickly as possible. However, inevitably some issues will be more complex and therefore may

require longer to be fully investigated. Consequently timescales given for handling and responding to complaints are indicative. If a matter requires more detailed investigation, you will receive an interim response describing what is being done to deal with the matter, and when a full reply can be expected and from whom.

Final Stage

If you are not satisfied with the subsequent reply from Director of People and Governance, then you have the option of writing to the Chair of the Board of Trustees, stating the reason why you are dissatisfied with the outcome. You must do this within 10 days of receiving the written response from the Director of People and Governance.

The Chair of the Board of Trustees (or their nominee) will respond normally within 10 working days to inform you of the action which will be taken to investigate your complaint, and when you can expect to hear the outcome of the investigation.

Note. If your original complaint was against the Chair of the Board of Trustees, then the final stage will be handled by the Vice Chair or Senior Independent Trustee.

Internal Register and Review of Complaints

All complaints should be logged in the complaints log. Staff should send details of the complaint and outcomes to governance@nhsconfed.org Staff may also seek guidance from the Director of People and Governance with regards this policy and responding to a complaint.

The complaints log will be reviewed annually by the Group Executive, and more frequently if there is an emerging pattern, to discuss learnings

Complaints about staff members

Where there are complaints about the conduct of staff members there are appropriate HR policies in place to facilitate these. In such circumstances the findings of the investigations may remain confidential and cannot be shared with the complainant.

Data Protection and confidentiality

Good data protection must be observed at all times. Staff must refer to the data protection policy and seek guidance where appropriate. If the complaint relates to a data protection issue then the matter should be referred to the data protection officer for investigation and response in line with stage 1 of the procedure.

Often there is justification for the nature of complaints and their investigation to be kept confidential – either at the request of the complainant or if it is concerning a member of staff or a sensitive issue.

Responsibilities

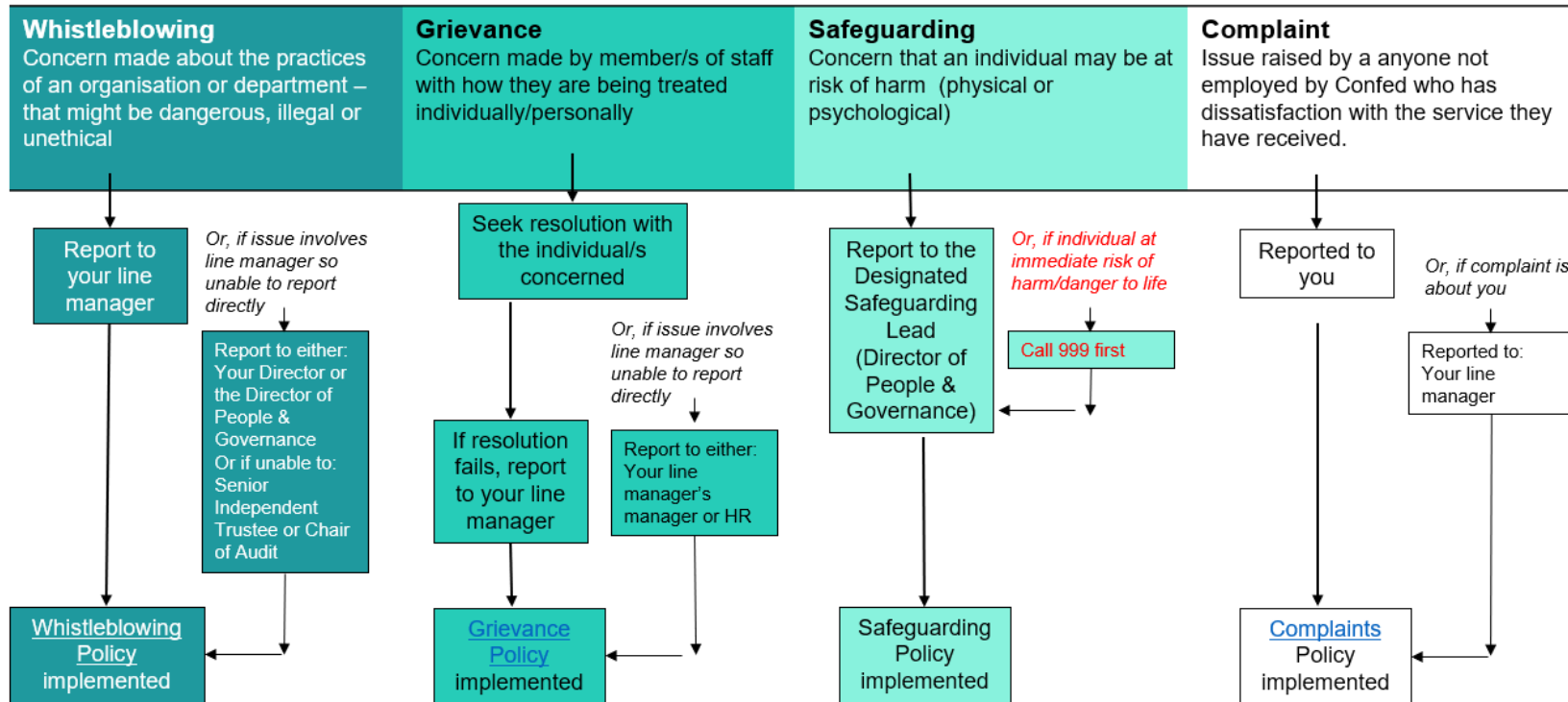
The NHS Confederation Trustees have overall responsibility for ensuring this policy complies with our legal and ethical obligations and that all those under our control comply with it.

The Group Executive is responsible to setting the tone and expected behaviour in responding to concerns and complaints in accordance with this policy,

The Director of People & Governance has primary responsibility for implementing this policy across the NHS Confederation as a whole, and for monitoring its use and effectiveness and dealing with any queries on its interpretation.

All staff must ensure that they read, understand and comply with this policy and for acting in a way that promotes positive relationships and accountability.

Annex 1: Raising Concerns – a guide for staff.



Unsure which route to use? Then talk it through with your line manager or a Speak Up Champion