



**POLICY TITLE: COMPLIANTS POLICY AND PROCEDURE**

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<b>POLICY OWNER:</b>	Chief Executives – Dr Clare Fenton and Mr Peter Fenton
<b>RESPONSIBLE SIGNATORY:</b>	Dr Clare Fenton – Medical Director Mr Peter Fenton – Administrative Director

**EQUALITY AND DIVERSITY STATEMENT**

The Amber Tree Clinic LTD is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics, and all will be treated with dignity and respect.

To ensure that this policy is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, email [admin@theambertree.co.uk](mailto:admin@theambertree.co.uk)

**Amendment Record**

<b>Version</b>	<b>Amendment</b>	<b>Reason</b>

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## 1. Policy Statement

This policy sets out the statutory requirements that apply to The Amber Tree Clinic LTD to ensure there are adequate provision and opportunity for both service users and colleagues to raise concerns regarding any aspect of the running, management and services provided by The Amber Tree Clinic LTD.

This provision is to be clear and easily accessible; complaints are to be effectively addressed and actioned without risk of discrimination against the complainant.

The aim of this policy is to provide an open and transparent approach to complaints, with a clear focus on addressing the needs of the complainant, and using lessons learned to improve relevant aspects of the services provided and maintain a safe, healthy and supportive environment for both service users and colleagues.

## 2. Our Best Practice

In the handling any complaint, The Amber Tree strives to maintain a level of best practice in line with duty of candor, which includes all the following.

1. Provide all service users with a clear and straight forward approach to making a complaint.
2. Make a record of all complaints.
3. Acknowledge all complaints within 48hrs, and investigate all complaints without prejudice.
4. Treat all complaints seriously.
5. Respond in a timely, appropriate, and respectful manner.
6. Apologise if our service has fallen below our standard.
7. Never allow a complaint to impact in any way on the handling and treatment of a young person or their parent/carer regardless of where the complaint may have originated.
8. Regularly audit and review any complaints and use them to learn lessons and improve.
9. Update company policy in response to complaints to provide the best future experience to our patients and their parents/carers.

## 3. Making an Initial Informal Complaint

### 3.1. What is a complaint?

A complaint is to be considered any communication, both written and/or verbal, about a concern with the service provided by The Amber Tree, which needs to be addressed and formally responded too.

### 3.2. How do I make an initial informal complaint?

1. In the first instance, a complaint should be made directly to The Amber Tree by contacting our Administration Manager at [admin@theambertree.co.uk](mailto:admin@theambertree.co.uk).
2. This complaint will be recorded in the Complaint Log, and you will receive an initial response within 3 days, unless that time frame is not possible, for example during periods of leave.

3. If a complaint is made verbally, it will usually be addressed at the time it is made. If this is not possible the Administration Manager will log the complaint on behalf of the complainant and an initial response will be sent within 3 days, unless that time frame is not possible, for example during periods of leave.

The Amber Tree aims to manage all complaints in a timely but formal manner. We consider complaints as an opportunity to learn and improve our service, so welcome both feedback and complaints without prejudice.

If an error has been made then an apology and explanation will be provided, the incident will be logged and will form the basis of future audits to identify areas for improvement.

All Complaints, both verbal and written, will be recorded in The Amber Tree's Complaint Log, and any verbal complaints will be followed up with a written communication.

### **3.3. Who can make a complaint?**

- A adult or young person over 16 years of age are able to make a complaint.
- For those under 16 years their parent/carer may complain on their child's behalf.
- A Professional can complain as an advocate for someone else, but written permission should be obtained wherever possible from the person involved.
  - If this is not possible due to the age, written consent is needed from the complainants next of kin.

### **3.4. When should I make a complaint?**

Wherever possible, a complaint should be made within 6 months of the incident taking place, or the person involved becoming aware of the issue.

The Amber Tree is willing to investigate complaints after this time if there is a good reason for the delay and it is possible to manage the complaint in a fair and effective manner.

### **3.5. What information should I include in my complaint?**

Wherever possible, all the following information needs to be provided in your complaint for it to be managed effectively.

- Specific details of the nature and content of the complaint.
- Details of all the people involved.
- Location of the event, if relevant.
- Details of any initial responses that may have taken place.
- Details of the outcome the complainant is expecting.

## **4. When will a complaint not be accepted?**

The Amber Tree Clinic Ltd has the right to not accept a complaint if it is anonymous or deemed to be malicious or vexatious. Each complaint will be taken seriously but will be progressed with discretion on the merits and nature of the complaint.

Complaints that have a discriminatory nature or infringe on protected characteristics will not be accepted in line with the Equality Act (2010). Neither will complaints of a threatening or abusive nature.

If repeated and unwarranted complaints are made, The Amber Tree Clinic Ltd may seek independent advice on how best to proceed.

**Areas where this may be appropriate are as follows:**

- When a complainant continues to pursue a complaint after both the informal and formal procedures have been fully and appropriately exhausted. (See Section 8 for details)
- When a complainant does not clearly identify the precise issue or issues that they wish to have investigated, despite reasonable staff involvement and where possible the help of the relevant independent advocacy service.
- When a complainant continuously makes unreasonable and excessive demands in regards to the complaints process, including demanding responses quicker than the timescales identified in this Policy.
- When a complainant alters the nature of the complaint or tries to extend the process by continually adding further complaints or questions.
  - This does not mean that additional issues should not be brought to our attention, but rather that they should be identified and addressed as a separate complaint so as to not confuse the issue at hand.
- Where a complaint requires a disproportionate and excessive amount of time and resources, particularly caused by excessive communication and contacts.
- Where a complainant threatens actual physical violence towards staff.
- Where a complainant has been abusive, aggressive or defamatory on more than one occasion via any medium, including but not restricted to email, phone or in person.
- Where a complainant will not accept documented evidence as factual.

## **5. Internal Complaint Resolution Procedure**

1. Once a complaint has been received and logged in the Complaints Log, a meeting will be arranged to discuss and address the complaint, either by telephone or via video call, depending on the preference of the complainant.
  - The Complainant is welcome to have a person present to support them.
  - Reasonable assistance will be provided if there are language or disability factors that may need supporting.
2. After this initial meeting, The Amber Tree will investigate the issues raised, review all relevant records and take statements from any relevant staff members.
  - All information collected, including all meetings (including the initial meeting) will be recorded in the Complaints Log
3. Once this process has been completed, the Complainant will receive a response that includes the nature of the complaint, the details of the investigation and the findings of said investigation.
  - The aim is to have this completed within 60 days of the date of the complaint, and if there are delays the complainant will be informed and will have the reasons for the delay explained.
4. After this The Amber Tree will conduct an internal audit and identify any lessons that need to be learned and any changes to the policies and procedures that are required.

5. If the complaint is upheld, at this point The Amber Tree will offer any resolution that is appropriate and proportionate to the nature and severity of the Complaint.
6. If the Complainant is not satisfied at this point, they can then pursue an Independent Formal Complaint via the IDF, of which the Medical Director (Dr Clare Fenton) is a member.
  - Details for the procedure for a Formal Complaint are in section 8.

## 6. Confidentiality

For full details of our handling of personal information, please refer to our Information Governance Policy.

Regarding Complaints specifically, all information and details will be kept confidential where possible. Exceptions could include when there is a safeguarding issue, or legal requirement to share information with the relevant legal body.

Anonymised details of the complaint may be shared by Dr Clare Fenton in the process of confidential Peer Supervision as well as during annual appraisals, in line with the regulations set down by the General Medical Council (GMC)

If the complaint is made by an advocate on behalf of a patient, sensitive and personal information would only ever be released upon receipt of explicit consent from the patient.

## 7. Duty of Candour

The Duty of Candour is a Professional responsibility to be honest with all affected parties when things go wrong, whether due to negligence, accident, or unavoidable incident.

The key features of this responsibility are:

- Every healthcare professional must be open and honest with service users when something goes wrong with their treatment or care causes, or has the potential to cause, moderate-severe harm or distress (including prolonged psychological harm).

This means that Healthcare professionals have a duty to:

- Tell any affected parties when something has gone wrong.
- Apologise to the Patient.
- Offer an appropriate remedy or support to correct the situation.

Healthcare professionals also have a duty to be honest with their colleagues, employers and relevant organisations. They are required to take part in any investigations or reviews, and must be open and honest with their regulators, raising concerns where appropriate. They must support and encourage honest behaviours in their colleagues and never prevent a colleague from raising concerns of their own.

## 8. Making a Formal Complaint

If the response from The Amber Tree is not satisfactory there is an option to escalate the complaint.

Dr Clare Fenton is a member of the Independent Doctors Federation (IDF) and adheres to the IDF Patient Complaints Procedure.

The Complaint Resolution Procedure has three stages and reflects the principles of the ISCAS Code of Practice:

- Stage 1 Local resolution within the individual practice
- Stage 2 IDF Complaint Resolution Procedure to review the complaint.
- Stage 3 Independent Adjudication from ISCAS

Please note that Stages 1, 2 and 3 fall within the ISCAS Code of Practice for Complaints Management. A copy of this can be obtained from the IDF or from ISCAS.

NB The 3-stage process only relates to complaints about the IDF member (Dr Clare Fenton) and not to any other members of the team working in the practice.

### **8.1. Stage 1 - Informal internal complaint**

Details of the Procedure of a Stage 1 Complaint can be found in section 5.

Stage 1 involves the clinician and the practice (The Amber Tree Clinic Ltd) which are the subject of a complaint; the IDF offers a Stage 1 Complaint Support Service led by their Responsible Officer which aims to support Dr Clare Fenton in the handling of Stage 1 complaints.

This serves to guide Dr Clare Fenton through the procedure but does not include reviewing the Stage 1 documentation or the proposed Stage 1 response.

If you remain dissatisfied following the final Stage 1 response, then you can request a review of your complaint, known as Stage 2 by writing to:

Complaint Manager  
The Independent Doctors Federation  
Lettsom House  
11 Chandos Street  
Marylebone  
London  
W1G 9EB

Escalation to Stage 2 must be made in writing within six months of the final Stage 1 response.

### **8.2. Stage 2 - Formal complaint to the IDF**

At Stage 2 the IDF Complaint Manager considers the complaint with input from the complainant and Dr Clare Fenton.

The IDF Complaint Manager will send you an acknowledgement of your letter within three working days of receipt of your complaint and will request a summary of the matters that remain outstanding that you wish to be investigated. You will be invited to attend a meeting at the start of Stage 2 in order to clarify the matters that remain outstanding and obtain a greater understanding of what you hope to achieve by escalating the complaint. The IDF Complaint Manager will not have been involved in the matters that led to the complaint or the handling of the complaint at Stage 1.

You will be asked to consent to release of records from the doctor. The IDF Complaint Manager will undertake a review of the documentation, any correspondence and the handling of and response to the complaint at Stage 1. If the review is still in progress after 20 days a letter will be sent to you explaining the delay and a full response made within five days of reaching a conclusion. In any event a holding letter will be sent every 20 days where a review is continuing.

The IDF Complaint Manager will write to you when the review is completed to either confirm the outcome at Stage 1 or to offer an alternative resolution.

Throughout the process all information, documents and records relevant to your complaint will be treated in the strictest confidence and no information will be divulged to any parties who are not involved in the IDF Complaint Resolution Procedure, unless required to do so by law.

The Complaint Manager may convene a Complaint Committee consisting of any party considered necessary by the Complaint Manager to assist them in Stage 2 of the process. The Complaint Manager is required to provide the Stage 2 response to the complainant in line with the ISCAS Code, with a copy sent to Dr Clare Fenton and to the Managing Director of the IDF.

Thereafter, the IDF will advise that if the complaint is unresolved, you have the right to take the matter further into Stage 3 with referral to ISCAS, an independent body.

The Independent Sector Complaints Adjudication Service (ISCAS) provides independent adjudication on complaints about ISCAS subscribers. ISCAS is a voluntary subscriber scheme for the vast majority of independent healthcare providers.

The IDF is a subscriber of ISCAS; The Amber Tree Clinic Ltd is covered by the ISCAS code.

### **8.3. Independent complaint to the ISCAS**

This stage is only available to you if you remain dissatisfied once Stage 1 and Stage 2 are exhausted and aims to bring about a final resolution of the complaint to both parties. In such a situation you should request the adjudication by writing to the Secretariat:

Independent Sector Complaints Adjudication Service (ISCAS)  
CEDR (Centre for Effective Dispute Resolution), 3rd Floor  
100 St. Paul's Churchyard  
London  
EC4M 8BU  
Tel: 020 7536 6091  
Email: [info@iscas.org.uk](mailto:info@iscas.org.uk)

This written request for adjudication must be made within six months of the final determination by the IDF at Stage 2. You should provide reasons to explain the dissatisfaction with the outcome of Stage 2. ISCAS will acknowledge receipt of the request within three working days.

ISCAS will seek confirmation from the IDF that Stage 2 has been completed.

ISCAS will notify the IDF of a request for Stage 3 independent external adjudication. The IDF will respond to requests from ISCAS within ten working days and confirm whether Stages 1 and 2 have been completed. ISCAS will then be your main contact once adjudication is started. You will be asked to consent to the release of records from the doctor and the IDF relevant to



the complaint. ISCAS will issue the decision within 20 working days or provide a progress update every 20 working days if the decision is delayed. A report will be made to you, the doctor concerned and the IDF.

Attention is drawn to the sections of the ISCAS Code which clearly explain what the Code does and does not cover. You should understand that if the complaint is not covered by the ISCAS code then stages 2 and 3 will not be available.

Additional information for patients about ISCAS can be found at:  
<https://iscas.cedr.com/>

Additional information for patients about the IDF can be found at: IDF – [www.idf.co.uk](http://www.idf.co.uk)



## 9 Contact Details

Medical Director – Dr Clare Fenton

Administrative Director – Mr Peter Fenton

Tel: 07858 676886

[admin@theambertree.co.uk](mailto:admin@theambertree.co.uk)

<https://www.theambertree.co.uk/>

## 10 Equality Impact Assessment

<b>How is the policy likely to affect the promotion of equality and the elimination of discrimination in each of the groups?</b>			
<b>Protected Characteristic</b> (Equality Act 2021)	<b>Impact</b> Positive/ Negative/ None	<b>Reason/ Evidence of Impact</b>	<b>Actions Taken</b> (if impact assessed as Negative)
Age			
Disability			
Gender reassignment			
Marriage or civil partnership			
Pregnancy or maternity			
Race			
Religion or beliefs			
Sex			
Sexual orientation			
Other, please state:			
<b>EIA completed by:</b>			
<b>Name:</b>			
<b>Role/Job Title:</b>			
<b>Date completed:</b>			