

ANNUAL REPORT OF THE INDEPENDENT REVIEW BODY FOR THE YEAR 2011/12

The Independent Review Body (IRB) exists to investigate complaints under the NHS against Noble's Hospital, GPs, dental services, pharmacies etc which have not been dealt with to the complainant's satisfaction by the service provider's own Local Resolution procedure.

Membership of the Review Body consists of three convenors – Mr. Michael Coleman (overall chairman), Mr. Philip Bannan and Dr. Andrew Guy, together with three lay members – Mrs Vivienne Hare, Mr. Francis Masserick and Mr. Colin Brown. Mr. Brown had previously served as clerk to the organisation since its inception 11 years previously. On his retirement in February he was replaced as clerk by Mrs Andrea Roberts and appointed, by the Council of Ministers, to be a lay member of the Independent Review Body to replace Mr. Harry Galbraith who officially retired at the end of December. Mr. Galbraith undertook – as requested – to remain a member while he dealt with one unfinished case. The intention is that members of the IRB are initially appointed as lay members and after training and shadowing existing convenors they eventually become convenors in their own right.

The IRB operates on the basis that one convenor enquires into the initial complaint and would usually request copies of the service provider's complaint management file and/or their medical records. If thought appropriate, he has the power to seek qualified medical advice. The options open to him include calling a full Panel hearing to investigate further, declining to hold a hearing but making a number of recommendations, or turning down the request for a hearing without making any recommendations. He can also suggest that Local Resolution be re-opened if he feels this could help resolve the issue.

If the complainant is not satisfied with the decision of the first convenor they can appeal to a second convenor. This person then has access to all the documentation produced in the case to date but would not be permitted to see the report of the first convenor so it would constitute a second, independent, investigation. Should the second convenor also turn down the request for a full Panel hearing then that completes the complaints procedure.

If either the first or second convenor decides to call a Panel hearing he sits on the Panel but the hearing is chaired by another convenor not previously having had any involvement with the complaint. One of the three lay members completes the Panel. The complainant is invited to attend the hearing, as are other individuals whose presence is thought to be helpful to the investigation. If the complaint involves a medical issue, independent assessors from the UK are engaged to attend the hearing, advise the Panel members, and then submit separate reports. These form the basis of the Panel's own final report which is circulated to all parties, including the Department of Health or other appropriate body.

The members of the Independent Review Body meet on a quarterly basis to transact any formal business and discuss, for training purposes, convenors' and Panel decisions in matters which have concluded. However, the individual convenors and members are required to read through, in their own time, often extensive medical

records and complaint management files in connection with matters into which they are enquiring.

During the year under review the Independent Review Body considered a total of 18 complaints. These can be summarised as follows:

- Noble's Hospital – 14
- GP Practices - 2
- Mental Health/Social Care – 1
- MEDS - 1

A total of four full hearings were held during the year, three of which involved complaints against Noble's Hospital and one against Mental Health/Social Care. At the end of the year under review convenors had called hearings in connection with three other matters, all involving complaints against Noble's Hospital. A date had been fixed for one hearing but this had not taken place during the period covered by this report while dates were being arranged in respect of the two remaining matters. Six other complaints were still under investigation at the end of the year.

One matter of grave concern and disappointment to the Independent Review Body occurred during the year when a department staff member refused to attend a panel hearing. In addition, when the panel's report was distributed the department declined to implement the recommendations contained therein. It was the first time in the 11 years history of the IRB that a) a person invited to appear before the panel had refused to do so and b) the body complained against had refused to implement the panel's recommendations. The issue concerned a complaint against the mental health services/social care which was dealt with jointly by the Department of Social Care and the complaints department of Noble's Hospital.

The Independent Review Body has no statutory powers, either, to force individuals to attend the hearing or insist the panel's recommendations are enforced. Members wonder whether it is time to review the regulations which surround our operation and address these specific issues. We should explain that on occasions dialogue has taken place with service providers regarding the panel's recommendations and an acceptable compromise has always resulted. The issue referred to above represents the first-ever occasion where an organisation complained about has refused point blank to implement the panel's recommendations.

On another issue, we would urge service providers complained about to respond as quickly as possible to the panel's comments so as not to prolong the uncertainty both in respect of the complainant and those complained about. We would also encourage GP practices to maintain full written records of complaints received so as to avoid possible confusion and delay at a later stage of the process.

ENDS