

SERVICE STANDARDS COMPLAINTS PROCEDURE

Complaints about HSCOB

HSCOB is committed to providing a quality complaint handling service that reflects best practice as recommended by the Ombudsman Association. Nonetheless, it is recognised that from time to time dissatisfaction with the work of an ombudsman service can arise. Therefore, **Regulation 23(10) of Part 3** of the combined complaints regulations requires HSCOB to operate its own complaints procedure:

(10) The Health and Social Care Ombudsman Body must establish and operate a complaints procedure in respect of the exercise of its functions under this Part in the handling, consideration and disposal of complaints made to it and publish information outlining that procedure.

- National Health Service (Complaints) Regulations 2022
- Social Services (Complaints) Regulations 2022
- Social Services for Children (Complaints) Regulations 2022

It is important to note at the outset that this procedure cannot be used to challenge a substantive decision of HSCOB in respect of a primary complaint. This is because the underlying statutory purpose of the Body is to come to an independent, impartial and unbiased decision on escalated complaints about health and social care. Consequently, HSCOB will not change a decision simply because a complainant disagrees with it. However, a separate process (**Your Complaint, Our Decision**) is available where an individual or organisation can demonstrate any of the following:

- That HSCOB has based its decision on factually inaccurate information
- That new and relevant information is available that is material to the decision of HSCOB
- That HSCOB has erred in law in reaching its judgement on the complaint

In these very specific circumstances complainants can request a review by writing to the Chairman outlining their case. For all other complaints about the service provided by HSCOB (the way in which your complaint has been handled) the extant procedure applies.

1. HSCOB SERVICE STANDARDS

The following Service Standards explain how HSCOB aspires to handle complaints referred to the Body. Where the experience of a complainant falls short of the expectations set out under the Service Standards, the basis for a complaint about HSCOB may arise. In these circumstances the procedure outlined can be used by the individual or organisation to pursue their concerns.

GOOD COMMUNICATION

Dignity & Respect

- We will treat all stakeholders with courtesy, dignity and respect
- We will work without discrimination or prejudice in our dealings with stakeholders

Keeping People Informed

- We will clearly explain how we handle complaints
- We will keep you informed of progress in the consideration of a complaint
- We will inform stakeholders who to contact if they have any questions

Timeliness

- Complaints will be dealt with in a timely manner, taking into account the complexity of the case

Clarity

- We will be as accurate, plain and clear as we can in our communications

Accessibility

- Our service will be easily available and accessible to you
- We will work with you to meet your individual needs, including working with representatives to support you through our process

Understanding

- We will listen to ensure we understand your complaint and your desired outcomes. If we cannot help you, we will direct you to an organisation who can

OPENESS & FAIRNESS

Transparency

- We will publicise information about HSCOB, how we work and how decisions are made

Fairness

- We will consider all information provided to us before we reach a decision and act equitably with respect to the interests of the parties involved

Independence

- We will consider all complaints in an impartial and unbiased manner and our decisions will be based on all relevant evidence without fear or favour

COMPETENCE & RESPONSIBILITY

Expertise

- The Chairman and Members of HSCOB have the relevant skills and knowledge to make decisions on complaints and will discharge their duties and responsibilities in a professional manner

Explaining our scope

- We will clearly explain what we can look at, any restrictions that apply and what we can and cannot achieve

Reaching sound outcomes

- We will clearly explain our reasons for our decisions
- We will ensure remedies are proportionate, appropriate and fair
- We will make sure remedies are put in place, as far as we can

Ensuring impact

- We will use the outcomes of complaints and the learning from them to promote improvement and learning in the service and sector you complained about

Handling information

- We will ensure our record-keeping is accurate, that we hold data securely and share it appropriately.

Putting things right

- We will acknowledge and apologise for any mistakes we make, put them right quickly and ensure lessons are learned to improve our service.

2. HSCOB SERVICE STANDARDS COMPLAINTS PROCEDURE

Complaints about the quality of service provided by HSCOB are dealt with under the Body's own Complaints Procedure as required by **Regulation 23(10)**. All complaints received will be considered against the published **HSCOB Service Standards** to determine whether a service failure has occurred. Where a complaint is upheld, an appropriate and proportionate remedy will be applied. Learning from complaints about HSCOB will be used to further improve the Body's complaint handling arrangements. The process is as follows:

EARLY RESOLUTION

Complaints should be directed to the Chairman who will arrange for the matter raised to be reviewed by two HSCOB Members not previously involved in the Body's consideration of the complainant's primary complaint about a health or social care provider.

The Members will report their findings, conclusions and recommendations to the Chairman who will adjudicate and respond to the complainant. It is anticipated that the majority of complaints will be resolved at this point without the need for further escalation.

Complaints under Early Resolution will be acknowledged within three working days of receipt and a full response provided within twenty working days. In the event that more time is needed to consider the complaint due to its complexity, the complainant will be advised of an alternative timeline for responding to their concerns.

Dissatisfaction with a substantive decision of HSCOB concerning the merits of a complainant's primary complaint about a health or social care provider will, as previously advised, be referred to the '**Your Complaint, Our Decision**' process.

CONSIDERATION BY THE APPOINTMENTS COMMISSION

Where a complainant remains dissatisfied following a review under the Early Resolution arrangements, or alternatively where a complaint concerns the acts, omissions or decisions of the Chairman with respect to HSCOB's handling of the primary complaint, they can refer their concerns to the Appointments Commission for an independent determination of the matter.

The Chair and Members of HSCOB are appointed by The Appointments Commission who can review their continued suitability for public office in instances where there is a failure to comply with the HSCOB Code of Practice.

In the event that the Appointments Commission choose not to consider the complaint, or do not uphold the complaint, there is no alternative point of remedy and redress for a complainant other than to seek a Judicial Review of the decision in the form of a Petition of Doleance. In these circumstances, complainants are advised to seek legal advice as to whether such a course of action is appropriate.

The Appointments Commission can be contacted as follows:

Isle of Man Courts of Justice
Deemsters Walk
Bucks Road
Douglas
IM1 3AR

Telephone: +44 (0)1624 685 265

enquiries@courts.im