

# The Hove Practice Complaints Resolution Protocol

Policy N:	Version N:	Updated by:	Approved by:	Last Reviewed:	Planned Review:
103	2	Dr A. Rodrigues Da Costa	Dr S Glew	26/09/2022	01/10/2027

*This protocol applies to All staff, Patients and their Families*

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Private General Practice Ltd. Companies House Number: 12132052

## The Hove Practice Complaints Resolution Procedure: Information for Patients

### Introduction

If you are unhappy with the facilities or services you have received from this practice, or from the doctor looking after you, we would like to know about it as soon as possible so we can investigate your concerns and explain, apologise and take positive action where necessary. In most circumstances, if you tell us about your concern quickly, we can resolve matters straightaway.

To let us know about something with which you are unhappy, please speak with the Practice Manager, Megan Murgatroyd, in the first instance.

If you are not fully satisfied, you can put your concerns in writing and use our formal Complaint Resolution Procedure which reflects the principles of the CEDR – Private Healthcare Mediation Scheme:

The Complaint Resolution Procedure has three stages:

- Stage 1 Complaint raised directly with The Hove Practice
- Stage 2 The Hove Practice Regional Complaints Manager
- Stage 3 CEDR – Private Healthcare Mediation Scheme

### Time limits for making complaints

The period for making a complaint is normally:

- (a) 6 months from the date on which the event which is the subject of the complaint occurred; or
- (b) 6 months from the date on which the event which is the subject of the complaint comes to the complainant's notice.

The collection or recollection of evidence, clinical guidelines or other resources relating to the time when the complaint event arose may be difficult to establish or obtain beyond these limits. The Hove Practice has discretion to extend these limits if there is good reason to do so and it is still possible to carry out a proper investigation.

Escalation of the complaint to Stage 2 to The Hove Practice Regional Complaints Manager, should occur within 6 month of the decision at Stage 1.

Complaints should be escalated to CEDR within 6 months of the decision at Stage 2.

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## Stage 1: Complaint raised directly with The Hove Practice

To commence the formal Complaint Resolution Procedure you should write to:

**Address:**

Megan Murgatroyd  
The Practice Manager  
The Hove Practice  
40 Wilbury Road  
Hove  
BN3 3J

**Email:** pm@thehovepractice.co.uk

**Tel:** 01273 733 830

You should state what has caused you to have concerns and make your points clear. Please document when the relevant event(s) took place and what results you expect from your complaint.

The Practice will send you an acknowledgement of your letter within three working days of receipt of the complaint (unless the practice is able to provide you with a full response within five working days).

A full response to your complaint will be made within twenty working days of the receipt of the complaint.

If the investigation is still in progress after twenty working days, a letter will be sent to you explaining the delay and a full response made within five working days of reaching a conclusion. In any event a holding letter will be sent every twenty working days where an investigation is continuing.

## Stage 2: Internal Review of Complaint

If you remain dissatisfied following the final response from the practice, then you can request a review of your complaint, known as Stage 2.

This can be done in writing to:

Dr Alexandra Rodrigues Da Costa  
Regional Complaints Manager,  
The Hove Practice,  
40 Wilbury Road,  
Hove,  
BN3 3JP

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Dr Alexandra Rodrigues Da Costa is the Regional Complaints Manager at The Hove Practice, and will consider your complaint, undertake a review of the documentation, any correspondence and the handling of the complaint at Stage 1. The Regional Complaints Manager will write to you within 20 working days to either confirm the outcome at stage 1 or to offer an alternative resolution.

At this time the Regional Complaints Manager will advise you of your right to take the matter further to The Centre for Effective Dispute Resolution's Private Healthcare Mediation Service (Stage 3).

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 Hove Practice Complaint Resolution Procedure, unless required to do so by law.

## Stage 3: CEDR Private Healthcare Mediation Service

The Hove Practice subscribes to the CEDR Private Healthcare Mediation Service. This stage is only available to complainants who remain dissatisfied once Stage 1 and Stage 2 are exhausted. A complainant should then request Mediation through CEDR. An application to use the Scheme must be made by the patient on the designated application form which will be accessible on the CEDR website.

<https://www.cedr.com/consumer/healthcare/privatehealthcaremediation/>

Centre for Effective Dispute Resolution  
100 St Paul's Churchyard London EC4M 8BU  
T: +44 (0)20 7520 3800  
W: [www.cedr.com](http://www.cedr.com)  
E: [applications@cedr.com](mailto:applications@cedr.com)  
Registered in England no. 2422813  
Registered Charity no. 1060369

Upon receipt of a properly completed application form, CEDR will aim to appoint the mediator within 5 working days and will inform the parties accordingly

This written request for adjudication must be made within 6 months of the final determination by the Regional Complaints Manager at Stage 2.

Guidance on the Private Healthcare Mediation Scheme for patients can be found below:

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## CEDR Private Healthcare Mediation Scheme Rules

### Introduction

1. Mediation is a method used for resolving complaints or disputes between private healthcare providers and their patients that have become deadlocked.
2. Mediation is a flexible process conducted confidentially in which a mediator actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution.
3. Mediation is voluntary, confidential and 'without prejudice' which means nothing said in the mediation is admissible as evidence in legal proceedings.
4. A CEDR Accredited Mediator will work with the parties to try and find an agreed solution to the complaint and the mediator may propose a solution to the parties in an attempt to help them reach a resolution, but they cannot impose one.
5. Any settlement reached is legally binding once put into writing and signed by the parties. The parties will have a short 'cooling off' period after any agreement made orally should they wish to take legal advice before they sign a final document.
6. The Scheme is provided by the Centre for Effective Dispute Resolution (CEDR) to private healthcare organisations who subscribe to the Scheme and their patients. It provides mediation on request if both the patient and the provider agree to participate where the parties have not been able to resolve the dispute between themselves through the provider's complaints procedure.
7. The Scheme will normally take five to six weeks from receipt of the correctly completed application form to the closure of the case.
8. CEDR have exclusive rights to appoint or withdraw a mediator under this Scheme.

### Application

9. An application to use the Scheme must be made by the patient on the designated application form which will be accessible on the CEDR website.
10. Upon receipt of a properly completed application form CEDR will aim to appoint the mediator within 5 working days and will inform the parties accordingly.

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## The Process

11. CEDR will acknowledge receipt of a new application for mediation within 14 working days of receipt.
12. The process begins on the date of the acknowledgment of a valid application from the patient. At the same time the patient's application form and supporting documents will be forwarded to The Hove Practice, who may wish to provide a response.
13. If a response is received, this will be sent to the patient for information only and CEDR will confirm the identity of the mediator within 7 days.
14. All the documents relating to the case that have been provided by the parties will be provided to the mediator who will endeavour to conclude the mediation within 28 days of their appointment.
15. The mediator will speak to the parties by telephone, video-conferencing or in writing (including email) as required, either together or individually, to request further information or to explore possible solutions.
16. If the parties do not reach a solution between themselves after discussions with the mediator, then they will suggest to the parties' recommendations for settlement in writing.
17. If a solution is found or is accepted by the parties as proposed by the mediator, then the mediator will record that solution in writing and send it to the parties (via CEDR) in the form of an Outcome Statement (the Statement), for signature via an online portal. The parties must sign the Statement within 14 days of the date on which the Statement is provided. Any amendment to the Statement at this stage, other than for minor clerical errors, will be regarded as notifying a failure to agree.
18. If the Statement is signed by both parties within the timescale, CEDR will advise the parties accordingly and transmit a copy to both parties. At this point the agreement becomes a binding contract and the parties must then act to comply with the agreed outcome.
19. No terms of settlement reached will be legally binding unless or until set out in writing in the Statement and signed by or on behalf of each of the parties.
20. If either party chooses not to sign the Statement within 14 days, it will have no effect on either party and CEDR will confirm the mediation has ended without resolution.

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21. The date on which the mediation will be deemed to be concluded is the date of the letter from CEDR which confirms the process has ended.

### Confidentiality

22. Every person involved in the mediation:

22.1. Will keep confidential all information arising out of or in connection with the mediation, including the terms of any settlement, but not including the fact that the Mediation is to take place or has taken place or where disclosure is required by law, or to implement or to enforce terms of settlement or to notify their insurers, insurance brokers and/or accountants; and

22.2. Acknowledges that all such information passing between the parties, the mediator and/or CEDR, however communicated, is agreed to be without prejudice to any parties' legal position and may not be produced as evidence or disclosed to any judge, arbitrator or other decision-maker in any legal or other formal process, except where otherwise disclosable in law.

23. Where a Party privately discloses to the mediator or CEDR any information in confidence before, during or after the mediation, the mediator or CEDR will not disclose that information to any other party or person without the consent of the party disclosing it, unless required by law to make disclosure. The parties, and each of them, agree, however, that the mediator may disclose such information to CEDR provided that such disclosure is made by the mediator and received by CEDR in confidence.

24. The parties understand that the mediator and CEDR do not give legal advice and agree that they will not make any claim against the mediator or CEDR in connection with this mediation.

25. The parties will not call the mediator or any employee or consultant of CEDR as a witness, nor require them to produce in evidence any records or notes relating to the mediation, in any litigation, arbitration or other formal process arising from or in connection with their dispute and the mediation; nor will the mediator nor any CEDR employee or consultant act or agree to act as a witness, expert, arbitrator or consultant in any such process. If any party does make such an application (as listed above), that party will fully indemnify the mediator or the employee or consultant of CEDR in respect of any costs any of them incur in resisting and/or responding to such an application, including reimbursement at the mediator's standard hourly rate for the mediator's time spent in resisting and/or responding to such application.

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## Legal status and effect of mediation

26. The process is governed by the law of England and Wales and the courts of England and Wales shall have exclusive jurisdiction to decide any matters arising out of or in connection with the Mediation.

## Costs

27. The Mediation Scheme will be provided free of charge to the patient unless otherwise advised at time of application.

28. The costs incurred by the parties in preparation of their claim, including documentation and all other expenses are not recoverable under the Scheme.

## Updates

29. These Rules may be amended by CEDR from time to time, and current Rules apply to any application on the date of application.

## The Care Quality Commission

Our healthcare services are required to be registered by the Care Quality Commission (CQC) which regulates Health and Adult Social Care Services. The CQC does not investigate complaints but considers relevant information about practices providing regulated activities within the terms of the legislation. They can be contacted at: <https://www.cqc.org.uk/contact-us>

## Useful Contact Details

CQC - [www.cqc.org.uk](http://www.cqc.org.uk)

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Please sign and date to show that you have read and understood the **Complaint Resolution Procedure**. If you have any questions, Megan Murgatroyd, our Practice Manager, will be very happy to help you.

Name	Signature	Date



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## Patient Complaint Form

Patient's Full Name:

Date of Birth:

Address:

Telephone:

Detail the complaint below, including dates, times, and names of practice personnel, if known. Continue on a separate page where necessary, ensuring the above contact details are included on each subsequent page.

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Print name \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please return completed forms to  
**Megan Murgatroyd,**  
**Practice Manager**  
**The Hove Practice**  
**40 Wilbury Road**  
**BN3 3JP**  
**pm@thehovepractice.co.uk**

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### Patient Complaint – Third-Party Consent Form

<b>Patient Name</b>	
<b>Telephone No.</b>	
<b>Address</b>	

<b>Enquirer/Complainant Name</b>	
<b>Enquirer / Complainant's Relationship to patient</b>	
<b>Telephone No.</b>	
<b>Address</b>	

Please confirm your consent to one or more of the following;

- Yes please, I would like to receive communications by email**
- Yes please, I would like to receive communications by telephone**
- Yes please, I would like to receive communications by mobile phone including text message**
- Yes please, I would like to receive communications by post**

You can grant consent to all the purposes of use, some of them, or none.

Where a patient does not grant consent then the Practice will not be able to use their personal data, except in certain limited situations, e.g. where required to do so by law, or to protect the public from serious harm.

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**If you are complaining on behalf of a patient or your complaint or enquiry involves the medical care of a patient then the consent of the patient will be required.**

**Please obtain the patient's signed consent below.**

I fully consent to my Doctor/The Hove Practice releasing information to, and discussing my care and medical records with, the person named above.

This authority is for an indefinite period / for a limited period only (*delete as appropriate*)

Where a limited period applies, this authority is valid until \_\_\_\_\_ (*insert date*)

Signed \_\_\_\_\_ (*Patient*) Date \_\_\_\_\_

Please confirm your consent to one or more of the following;

- Yes please, I would like to receive communications by email**
- Yes please, I would like to receive communications by telephone**
- Yes please, I would like to receive communications by mobile phone including text message**
- Yes please, I would like to receive communications by post**

You can grant consent to all the purposes of use, some of them, or none.

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