

Remedy support and recruitment Complaints and Incidents Policy 1 . Introduction

Remedy support and recruitment is committed to providing high quality staff members to our client Trusts. We ensure our staff members that we supply to the Trusts have the appropriate skills, knowledge, and training to ensure they provide high quality care to patients but also maintain safety.

We actively encourage feedback on the services we provide and the staff who provide services. We do this in a range of ways suitable to the person raising feedback.

We actively seek feedback on the performance of our staff members so they can also be supported to learn and develop their professional skills.

Remedy support and recruitment have a high-level principle of first contact resolution (FCR) and we aim to resolve any complaint or incident at the first contact.

In more serious incidents that require formal investigation we work jointly with our client trusts to resolve as swiftly as possible, Refer to the Serious Incident policy.

2. Definitions

Feedback from client trusts or staff members have many definitions

- Formal complaint – when a Trust or staff member expresses dissatisfaction with an act or omission while on assignment.
- Serious Incident – which requires formal investigation to identify any systemic failings, especially where policy or training needs to be introduced to prevent further occurrences.
- Near miss – A situation where no harm is suffered but has the potential to do so
- Incident – When a staff member has been adversely affected by an act or omission whilst on assignment
- Training and Skills – where a staff member would benefit from additional training
- Vexatious complaints – persistent and repeated unwarranted complaints
- Nursing and Midwifery Council – may require information about a staff member or may be informing Remedy support and recruitment of a Fitness to Practice concern
- Safeguarding complaints – where the police or local authority inform Remedy support and recruitment of an ongoing investigation.

3. Principles

Remedy support and recruitment uses a Just Culture to investigate any feedback. It does not set out to actively blame an individual when something has gone wrong but looks to use the opportunity to learn. All feedback is an opportunity to improve develop and learn.

Wherever possible any complaints or feedback should be given locally at the time of the incident.

Remedy support and recruitment will provide client Trust through liaison meetings themed reviews of all feedback that is received.

Feedback is also welcome from our staff members and this is passed to our Trust services to discuss locally in the hope that improvements can be made for the staff members when picking up assignments.

4. Scope of the Policy

Feedback can be provided by

- Trusts and other NHS organisations that Remedy support and recruitment provide a service to
- Remedy support and recruitment staff members and contractors.

This policy relates to clinical concerns about the staff members competence, skills and training or omissions of care.

When patients provide feedback about our staff workers this is logged onto our complaints and Incident system and a joint investigation will take place with the Trust.

Complaints received from our staff members about Remedy support and recruitment services are dealt with through the resolutions team.

Where there is harm to a staff member this is logged onto the incident system. This is allocated to a nurse lead to provide welfare checks see Incident Policy.

5. Related Policies

- Complaints and Incidents Standard Operating Procedure
- Serious Incident Policy
- Riddor reporting Policy
- Exclusions Policy
- Remedy support Disciplinary Policy

6. Responsibility

The care manager is responsible for setting out the process and procedure for handling of complaints and is also responsible for ensuring that all complaints are handled correctly. The Care manager will ensure that summaries of complaints will be provided monthly for the Management team and quarterly to the Compliance manager

7. Clinical Complaints Process

All feedback should be encouraged to be reported through our web-based feedback form.

All complaints are triaged, and risk ranked appropriately all feedback is acknowledged electronically within two working days.

All communications and actions are recorded onto the complaints and incident module.

Upon completion of an investigation the complainant will be informed of the outcome in writing.

If a complaint has the potential to raise serious concerns about the conduct of a staff member the Compliance manager will work closely with the Employee relations team using the Disciplinary Policy.

All feedback requiring formal investigation should be aimed to be concluded within 25 days.

Any restrictions to the staff members ability to pick up assignments will be actioned by the compliance manager

8 Compensation Act 2006

Deterrent effect of potential liability

A court considering a claim in negligence or breach of statutory duty may, in determining whether the defendant should have taken particular steps to meet a standard of care (whether by taking precautions against a risk or otherwise), have regard to whether a requirement to take those steps might—

- (a) prevent a desirable activity from being undertaken at all, to a particular extent or in a particular way, or
- (b) discourage persons from undertaking functions in connection with a desirable activity.

Apologies, offers of treatment or other redress

An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty.

Mesothelioma: damages

(1) This section applies where—

- (a) a person (“the responsible person”) has negligently or in breach of statutory duty caused or permitted another person (“the victim”) to be exposed to asbestos,
- (b) the victim has contracted mesothelioma as a result of exposure to asbestos,
- (c) because of the nature of mesothelioma and the state of medical science, it is not possible to determine with certainty whether it was the exposure mentioned in paragraph (a) or another exposure which caused the victim to become ill, and
- (d) the responsible person is liable in tort, by virtue of the exposure mentioned in paragraph (a), in connection with damage caused to the victim by the disease (whether by reason of having materially increased a risk or for any other reason).

(2) The responsible person shall be liable—

- (a) in respect of the whole of the damage caused to the victim by the disease (irrespective of whether the victim was also exposed to asbestos—
 - (i) other than by the responsible person, whether or not in circumstances in which another person has liability in tort, or
 - (ii) by the responsible person in circumstances in which he has no liability in tort), and
- (b) jointly and severally with any other responsible person.

(3) Subsection (2) does not prevent—

Complaints and Incidents Policy V6

- (a) one responsible person from claiming a contribution from another, or
- (b) a finding of contributory negligence.
- (4) In determining the extent of contributions of different responsible persons in accordance with subsection (3)(a), a court shall have regard to the relative lengths of the periods of exposure for which each was responsible; but this subsection shall not apply—
 - (a) if or to the extent that responsible persons agree to apportion responsibility amongst themselves on some other basis, or
 - (b) if or to the extent that the court thinks that another basis for determining contributions is more appropriate in the circumstances of a particular case.
- 5) In subsection (1) the reference to causing or permitting a person to be exposed to asbestos includes a reference to failing to protect a person from exposure to asbestos.
- (6) In the application of this section to Scotland—
 - (a) a reference to tort shall be taken as a reference to delict, and
 - (b) a reference to a court shall be taken to include a reference to a jury.
- (7) The Treasury may make regulations about the provision of compensation to a responsible person where—
 - (a) he claims, or would claim, a contribution from another responsible person in accordance with subsection (3)(a), but
 - (b) he is unable or likely to be unable to obtain the contribution, because an insurer of the other responsible person is unable or likely to be unable to satisfy the claim for a contribution.
- (8) The regulations may, in particular—
 - F1**(a)
 - (b) replicate or apply (with or without modification) a transitional compensation provision;
 - (c) provide for a specified person to assess and pay compensation;
 - (d) provide for expenses incurred (including the payment of compensation) to be met out of levies collected in accordance with section 213(3)(b) of the Financial Services and Markets Act 2000 (c. 8) (the Financial Services Compensation Scheme);
 - (e) modify the effect of a transitional compensation provision;
 - (f) enable the **F2**Financial Conduct Authority or the Prudential Regulation Authority] to amend the Financial Services Compensation Scheme;
 - (g) modify the Financial Services and Markets Act 2000 in its application to an amendment pursuant to paragraph (f);
 - (h) make, or require the making of, provision for the making of a claim by a responsible person for compensation whether or not he has already satisfied claims in tort against him;
 - (i) make, or require the making of, provision which has effect in relation to claims for contributions made on or after the date on which this Act is passed.
- F3**(9)
- (10) In subsections (7) and (8)—
 - (a) a reference to a responsible person includes a reference to an insurer of a responsible person, and
 - (b) “transitional compensation provision” means a provision of an enactment which is made under the Financial Services and Markets Act 2000 and—
 - (i) preserves the effect of the Policyholders Protection Act 1975 (c. 75), or
 - (ii) applies the Financial Services Compensation Scheme in relation to matters arising before its establishment.
- (11) Regulations under subsection (7)—
 - (a) may include consequential or incidental provision,
 - (b) may make provision which has effect generally or only in relation to specified cases or circumstances,
 - (c) may make different provision for different cases or circumstances,
 - (d) shall be made by statutory instrument, and
 - (e) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament

Version History

VERSION	Date	Status	Author	HISTORY
1	17.05.2012	Final	Beatrice K Care Manager	
2	July 2015	Review	Beatrice K Care manager	
3	June 2016	Review	Clare Meyer Compliance manager	
4	Mar 2020	Review and updated	Elizabeth Ndegwa Care manager	
	April 2021	Review and updated	Elizabeth Ndegwa Care Manager	
5				

Approved by outsourcing-hr.co.uk

Signing date 20/07/2024 by Care Manager Elizabeth Ndegwa

Signature:

Elizabeth Ndegwa

Date for next review 19/07/2025

