

**Independent healthcare regulation
Complaints Procedure Consultation 2019
Response Form**

About you

My name	Nicola Kaya		
Job title (if applicable)	Policy Adviser		
Organisation name (if applicable)	British Dental Association		
Email address (if applicable)	nicola.kaya@bda.org		
I am responding as: (mark 'x' where relevant)	Member of the public		Carer
	Healthcare professional		Social care professional
	Voluntary /community sector representative		Other stakeholder
			X

Please return this form by 5.00pm on Friday 15 February 2019 to:

Natalie Graham
Administrative Officer – Independent Healthcare Services
Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

Using your personal information

Personal information which you give us will be used for providing you with feedback following the close of consultation. More information on how we manage personal information can be found on:
www.healthcareimprovementscotland.org/footer/nav/respecting_your_privacy.aspx

Consultation questions

<p>Question 1</p> <p>Please tell us whether you support Proposal 1.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Please tell us why you have given your answer.</p> <p>BDA Scotland believes it is appropriate to reduce the timescale of complaints from 12 months to 6 months from the date of the event. If someone is dissatisfied with a service and feel they are going to complain, then this should be done as close to the event as possible. This allows the issue to managed and a resolution made quickly. The further away from the event there is more chance of human error in the facts surrounding the situation.</p>
<p>Question 2</p> <p>Please tell us whether you support Proposal 2.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Please tell us why you have given your answer.</p> <p>BDA Scotland welcomes this proposal. If the complainant is dissatisfied with the outcome, then there should be a review stage to assess how they feel about the resolution. If they are still not satisfied, it is good to give them an opportunity before the case is closed and to help avoid any future complaints.</p> <p>BDA Scotland would highlight that in the ‘Feedback’ section under the heading ‘What happens at the end of an investigation’ there should be more than two days for the service/provider to be able to pass on supporting information. Two days unfairly biases the towards complainants.</p>
<p>Question 3</p> <p>Please tell us whether you support Proposal 3.</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Please tell us why you have given your answer.</p> <p>BDA Scotland agrees that the issues should be posted on the website. This will be useful in the future, people who are thinking of complaining will be able to look at previous complaints or issues and see how these were resolved. A lot of the time public and patients expectations can be very high and this can cause more complaints. However, if the outcome was posted online then this may deter people from</p>

	<p>complaining or may lower their expectations as they will see what has been done in the past.</p> <p>BDA Scotland believes that care must be taken not to undermine any service as a whole by publication. Independent healthcare regulation (IHR) should expect this to be carefully monitored by third parties and expect robust legal challenge with compensation where appropriate.</p>
<p>Further comments</p>	<p>It is BDA Scotland's view the Complaints Procedure is sensible, however, we question where will the funding come from, when financial reimbursement is offered?</p> <p>Third party or direct IHC support must be allowed for the service or provider complained against, particularly where it concerns an individual.</p> <p>BDA Scotland suggests IHC must look at upstream measures to reduce the need for complaints and IHC must acknowledge systems failures surrounding individuals as other regulators (General Medical Council) now do.</p> <p>There should be a right of recourse starting with the IHC should a complaint be found to be dishonest. There should at least be a written policy regarding these and persistent/trivial complaints.</p> <p>Under the heading 'Key Principles' – 'We can investigate complaints that relate to':</p> <ul style="list-style-type: none"> ✓ "poor treatment by a member of staff" - can Healthcare Improvement Scotland, IHC establish what qualifies them and their investigators to determine this? This applies to equipment and procedural issues too. <p>BDA Scotland suggests the Yes/No response format gives undue weight to yes responses unless provisos, reservations and comments re also published.</p> <p>BDA Scotland wishes highlight that whilst there is an acknowledgement that independent practices had to have some form of optimal, accountable and transparent regulation, this is not without the reservations outlined above.</p>

Thank you for your response.