

Agenda item:	8
Report title:	Update on Review of Corporate Complaints including Independent Assessor
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Considered by:	Performance and Resources Board
Action:	To consider

Executive summary

In February 2015, Council received the report of the Internal review of the GMC's corporate complaints management which had been undertaken by Sarndrah Horsfall, and which made a series of recommendations on how we could improve our current approach and processes. Council requested that options be considered for appointing an independent assessor for corporate complaints.

The purpose of this paper is to update Council on progress made to date; and to seek Council's view on the appointment of an independent reviewer.

Recommendations

Council is asked to:

- a** Note the progress made under the Corporate Complaints Handling Project and the work to be done before final accreditation of the process in January 2016.
- b** Consider the further recommendation of the Horsfall Review on independent review of complaints and consider options for how this might work for the GMC.

Update on Corporate Complaints Handling Project

- 1 In January 2015 the Performance and Resources Board agreed an action plan which brought together the recommendations from the Horsfall Report on corporate complaints handling and work to achieve the British Standards Institute (BSI) ISO 10002 complaints handling certification, within an overarching Corporate Complaints Handling Project. Council reviewed the Horsfall recommendations and the plans for implementing them at its closed session on 24 February 2015 and requested that the Executive evaluate options for an independent assessor.
- 2 The response to the recommendations is nearing a conclusion, with the process of accreditation now underway. The BSI auditors visited the GMC on 28 September 2015 to carry out a preliminary audit, which found that we are on track for accreditation, subject to completing and publishing some documentation, establishing management reviews of complaint trends and completing a sample of complainants to understand their feedback.
- 3 We are making good progress on this work and the final audit will be in January 2016. The original target date of accreditation by the end of December 2015 will not be met due to the limited availability of BSI auditors and the need to ensure consistency with our developing Customer Service Strategy. The latter covers, for example, acknowledgement and response times and one area where we may need to change this might be our handling of email complaints through the Contact Centre. We have therefore been keen to align these projects internally to avoid any duplication of effort.

Independent review of GMC Corporate Complaints

- 4 In February 2015, Council indicated it would like us to consider the recommendations in the Horsfall report about holding a regular independent review of corporate complaints.
- 5 The recommendation stated:

‘Given the nature of the complaints process and its complexity, it is not clear whether the GMC has the capacity to assess corporate complaints from an independent perspective. Therefore it is recommended that an independent group, or individual are appointed to conduct the (6 monthly) reviews on the corporate complaints to ensure an independent and neutral view can be obtained. There is potential for this assessment to be handled internally by the GMC, however initially the independent assessment would provide a structure and overview on the process for future reviews.’

- 6** In considering the recommendation it is helpful to review similar schemes operated by other organisations. [Annex A](#) contains brief case studies of a range of schemes and highlight two key motivations for having an external review of corporate complaints handling:

 - a** General audit of the effectiveness of the complaints handling process.
 - b** Escalation of individual complaints for review.
- 7** The Horsfall recommendation was focussed on an audit of the complaints handling process and the benefits of an independent audit of the process are clear in providing an objective and independent view of complaints handling to assure Trustees and drive organisational improvement.
- 8** One possible approach to an external audit could be to commission a regular independent review of a sample of individual complaints as an enhancement to the internal quality assurance and audit activity we already have planned under the ISO accreditation. This review, which would be reported to Council, would both analyse and report on the complaints and comment on the overall handling by the GMC of corporate complaints. This model should provide external and independent review without incurring significant costs. It is suggested that the review should be commissioned by Council through an external organisation (either our internal auditors or some other organisation) and that commissioning could be devolved to the Audit and Risk Committee.
- 9** As an alternative option to external audit, there is the possibility of widening the scope of the original recommendation to include escalation of individual complaints as is the case with some of the schemes in [Annex A](#). With 2,500 complaints per year classified as corporate this could become costly. It is difficult to assess exact figures at this stage but from the case studies ([Annex A](#)) an estimate of at least £100,000 would be a reasonable assumption. These costs need to be carefully weighed against the potential benefits.
- 10** The advantages of further escalation to a party that is independent from the GMC are clear. For the complainant it provides an opportunity to refer their concerns outside the GMC for an external view. Although the case studies in Annex A show that in many independent schemes few complaints are upheld, it may provide some comfort to the complainant that an independent party has looked at their complaint. For the GMC, the advantage is twofold. Firstly, it provides a means for the GMC to close down complaints that are ultimately causing disruption and expenditure of resources. Secondly, where the independent review does identify flaws in the GMC's handling of a complaint, it provides constructive feedback and organisational learning points.

- 11** Although the majority of schemes examined were primarily focussed on escalated complaints, a number of schemes combined that with periodic audit. It should also be noted that not all regulators have external stages to their complaints handling processes.

Other considerations

- 12** The new system being developed should provide enhanced quality assurance which combined with audit should give a balanced view of the operation of the process. The handling of individual complaints, even in the very rare cases where they relate to senior staff, allows for escalation to other senior individuals, up to and including the Chair of Council/Chair of the Audit and Risk Committee if appropriate. Our internal whistleblowing arrangements also provide an avenue by which staff can raise concerns about complaint handling if need be. These arrangements for escalation are contained within the Governance Handbook and our Whistleblowing policy/guidance.
- 13** Externally, the proposed external review of complaints together with the process of accreditation and reaccreditation for ISO 10002, the audit role of the Professional Standards Authority (PSA) and the oversight by the Health Select Committee all provide levels of external scrutiny including the way corporate complaints are handled. The new performance review by the PSA will consider evidence of corporate complaints handling processes.

Next steps

- 14** Council is asked to consider the progress made with the ISO accreditation and to consider the following options for independent review:
- a** External audit.
 - b** Escalation of complaints to an independent reviewer.
 - c** A combination of audit and escalation.

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M8 - Annex A

Schemes operated by other organisations

	Model	Remit	Annual Report?	Number of complaints dealt with a year?	Indicative cost per annum
Financial Ombudsman Service (2,757 corporate complaints)	<ul style="list-style-type: none"> ■ Board appointed independent reviewer [3 year fixed term] ■ Reports to Board 	Service complaints and only in writing	Yes	358 in 2014/15 112 upheld	Senior appointment salary c£115,000 with additional costs of seconded staff housed in the FOS unknown
Financial Conduct Authority, the Prudential Regulation Authority, Payment	<ul style="list-style-type: none"> ■ Office of the Complaints Commissioner ■ Set out in statute in Financial Services Act 2012 Financial Regulators to have arrangements for the 	Service complaints against the regulators	Yes and publishes individual case judgements [with	116 new referrals in 2014/15 09 closed investigations – 1 upheld, 1 partially upheld	c. £644,000 Senior appointment plus staff and office costs [former CEO of SRA, GDC]

	Model	Remit	Annual Report?	Number of complaints dealt with a year?	Indicative cost per annum
Systems Regulator and the Bank of England	<p>investigation of complaints against them</p> <ul style="list-style-type: none"> These arrangements are known as the Complaints Scheme 		consent]		
Land Registry (4,262 corporate complaints)	<ul style="list-style-type: none"> Independent service provided under contract by Independent Complaints Reviewer with SLA to Land Registry 	Service complaints against the Land Registry	Yes	140 in 2014/15 42 investigated - 5 fully upheld, 10 partially upheld	£220k [staff cost @ 80% of total]
Solicitors Regulation Authority	<ul style="list-style-type: none"> Was previously Independent Complaints Review Service – flat fee of £1500 per case initially, changed under new contract to flat fee of £80,000 for set number of complaints, audit and advice service As of October 2015 have changed supplier to Ombudsman Services Ltd – details of contract unknown 	Service complaints only including not following procedures	Yes	81 in 2014 26 investigations – 71 issues considered, 15 upheld and 6 partially upheld	£80k in 2014/15, new contract commercially sensitive and not known.

	Model	Remit	Annual Report?	Number of complaints dealt with a year?	Indicative cost per annum
OFSTED (2,449 corporate complaints)	<ul style="list-style-type: none"> ■ Independent Complaints Adjudication Service for Ofsted (ICASO) ■ Administered by the Centre for Effective Dispute Resolution (CEDR), contracted directly by Department for Education 	Service complaint only	Yes	57 in 2014/15 32 cases had specific or general recommendations	Not available