

ATMS GUIDELINE

Dealing with Complaints

Preamble

Statistically, the longer a healthcare practitioner is in practice, the more likely it is that they will receive a complaint about their clinical practice, regardless of whether the complaint is warranted. While it may be difficult to do so, if you are the recipient of a complaint by a client, try to avoid looking at it as a negative event. If the complaint is warranted, it may be in regard to a deficiency or weakness in your practice or the clinic that you need to correct. Such a complaint should be viewed as an opportunity to recognise and fix a problem, not a criticism to be ignored or argued against. It's also useful to bear in mind that only a very small percentage of people who feel aggrieved about a particular situation will complain about it.

It should be kept in mind that the greatest generator of complaints is a lack of rapport between the practitioner and the client, and a resulting lack of trust. A breakdown or failure in communication, and/or a retaliatory attitude by the practitioner in the face of a complaint, are probably the two most common reasons for complaints developing into legal actions.

On receiving a complaint, you should remain calm and think logically, with due regard to the consequences of your subsequent actions. Treat the complainant with care and deal with the complaint promptly, objectively, professionally, and in a compassionate manner. Be mindful of the client's emotional concerns and deal with these as a first priority- remove the emotional content from your response to the complaint and avoid expressing your own emotional reaction to it, deflecting blame, or blaming the client for the issue.

It's important to be aware that a complaint by a client that's handled well can result in a client broadcasting to their friends and relatives the professional and caring manner in which you've handled the problem. Many practitioners who've been through this process, and have handled it well, have found that these clients eventually become excellent advocates for the clinic.

Dealing with Complaints

In dealing with complaints, the following process should be used:

- Ensure that the complaint is received in writing- avoid responding to verbal complaints and where appropriate ensure that communication pertaining to the complaint is done in writing.
- Ensure that the complainant is aware of the ATMS complaints handling process and is able to access this. Do not discourage the complainant from lodging a complaint via this or any other appropriate process that is open to them.

- Calmly assess the situation before taking any action, and only after careful assessment, act rationally and compassionately. Do not assume that you are right and that the client is wrong. Be aware of, and supportive of, your client's emotional as well as physical needs. Be mindful of the potential legal ramifications of all of your actions carried out in relation to the complaint.
- Determine the basis of the complaint. Ensure that you get all of the facts and ensure that they are indeed facts, and not suppositions.
- Be mindful of the ATMS Code of Conduct and all other applicable Codes of Conduct or applicable legislation, and any elements of these that you may be in breach of.
- Document everything.
- Ensure that you hold complete and current client records.
- Ask the complainant what they would like done about the problem, and by when. We may assume that the complainant's intention is to see you locked up in jail, when all they may really want could be a simple apology.
- Let the complainant know that you understand her or his concerns, that you are acting on them, and when she or he can expect to have these concerns resolved.
- **Notify your association and insurer of the complaint within 24 hours of receiving it. Do not delay doing this. A failure to notify your professional indemnity insurer in a timely manner may invalidate your insurance coverage for any legal claims that may arise from this complaint.**
- If you employ staff in your clinic, advise them of what is occurring and ask them not to comment on this to anyone until advised to do so by you or as may be required by law.
- Do not attempt to alter any of your records.
- If the complainant's stated means of resolving the complaint are reasonable, and within your power to provide, promptly carry out the complainant's wishes. You may feel like arguing about it but the experience of most people who have been in this situation before, is that if the issue can be easily resolved, it will save you significant anxiety, time and expense to do this as quickly as possible. Remember that a complaint must be resolved to the client's satisfaction rather than yours.
- Finally, convey the successful resolution of this issue to the complainant, and ensure that she or he is satisfied with this outcome.
- Ask the client for written, signed and dated confirmation that the resolution to the complaint has been accepted.
- Thank the complainant verbally, and in writing, for letting you know about this problem, and for advising you on the best method for correcting it.
- Make a careful and complete record in the client's clinical notes of all that has occurred, and the outcome and the acceptance of the outcome, including the times and dates of each stage.
- Ensure that you keep secure copies of all of the documents related to this matter.
- Ensure that you have effectively dealt with the cause of the complaint to the extent that it will not occur again.