****

**Discussion paper,** **based on a selection of questions discussed on February the 5th in Brussels by the EPSO working group on Complaints**

**General introduction to the questions**

As we have learned from the outcome of the questionnaires completed by the individual members (countries or regions) of EPSO there are big differences between countries and regions regarding the method of dealing with complaints by inspectorates, regulators and supervisory bodies.

The systems are different: some countries do have an obligation to handle all complaints; some have the opportunity to decide whether or not the complaints are handled. Some do not have the power to deal with individual complaints.

From these different perspectives it is quite amazing to find that some questions regarding the way inspectorates deal with complaints are of common interest for all members of the complaints working group.

Although the results of these questions can vary per country and region, it seems interesting for all to discuss these questions at the Tallin Conference of EPSO.

We would suggest that you think about the following questions and maybe also answers them from the perspective of your own background and from the perspective of your supervisory body.

The following questions are divided into 5 categories:

Questions regarding:

1. The position of the supervisor/ inspectorate in the complaints handling procedure;
2. The manner of handling complaints by the supervisory body;
3. The perspective of the position of the Patient;
4. The Reporting and Transparency to the public;
5. Training of the inspectors supervisors regulators.
6. **Questions regarding the position of the inspection**
* **What are the pros and cons of involvement of the supervisory body in complaints procedures?** What are the effects of its involvement? What are pros and cons?
* **In some countries the supervisor/ regulator is only the second level of appeal (appeal instance). What are pros and cons of the second level approach?**
* **What are the possible arguments pro and contra to refer complaints back to the institution or person that delivered initially the health care?**
* **Is it necessary to introduce an obligation for the institution (hospital/ elderly home/other) to make visible that there is a possible appeal if the complainant is not satisfied with the reaction/ solution(name and address of appeal instance)?**

**Notes**:

In some other countries supervisors are not involved in the complaints procedure;

 Health complaints sometimes are the responsibility of the health institutions themselves (hospitals and care institutions), sometimes the insurance companies have to deal with complaints about the quality of health care, sometimes the ombudsman is the institution responsible for handling complaints about health care. Health claims and complaints are also dealt with in civil procedures against care providers;

Some supervisors/ regulators are just involved as a second line body , they act more or less as an appeal body.

In those countries the complaints are returned to the hospitals (and other institutions) that initially carried out the medical care. The hospitals/care institutions are asked to handle the complaint and sometimes have to report about the complaint handling. Most countries ask information from the agency that treated the patient/ client initially

In some countries the supervisors can handle the complaints at will and are just involved when they feel a need themselves to handle the complaint. The supervisor can handle the complaint in full, or use the complaint as input for other activities; some only act if the first level has completed the handling of the complaint first

Some inspectorates, supervisors are obliged to handle all complaints directly and without delay.

1. **Questions regarding the manner of handling complaints by the supervisory body**
* **What way of selection of reasonable and unreasonable complaints is most favourable to improve the quality of the system and the outcome of complaints handling?**
* **What are pros and cons of handling complaints by visiting the institution and seeing the circumstances of the case?**
* What are possibly pros and cons of handling **complaints as a legal procedure by studying paper and asking information from the complainant and the ‘opposite’ party (as judges mainly do)?**

**Notes:**

Some supervisors/regulators are - when handling a complaint - always visiting the accused institution. Others just ask questions to the parties involved.

1. **Questions regarding the position of the Patient**
* **What information can or must be used in the procedure by inspectorates?**
* **What are the reasons why anonymous complaints are or are not admissible?**
* **What kind of follow up of a complaint is appropriate ( for the patient) in what kind of cases?** Are there good reasons to prefer some methods to others?

**Notes:**

Some supervisors/ regulators are competent to handle all kind of complaints:

1. anonymous complaints of which they do not know the origin; and also
2. anonymous complaints of which the inspection knows the origin but does not reveal its source to the accused.

Some countries do handle only anonymous complaints when the subject seems important to the supervisor/ inspectorate. Some do not handle anonymous complaints.

The different countries use different methods for follow up after a complaint~~s~~.

1. **Questions regarding the Reporting and Transparency to the public**
* **What are - based on the experience in the EPSO countries - the most effective methods of informing the public? Are there good reasons for not reporting in individual cases or not making a general report on complaints handling? Are there interesting reporting topics?**

**Notes:**

All countries involved in complaints handling have a written report on the individual complaints but some do not send it to the complainant or to the institution.

Some countries are not making a general reporting on complaints.

The different countries use different methods. Is there any learning from experience?

1. **Questions regarding Training of supervisors , inspectors, regulators in handling complaints**
* **What is the training/ education about complaints handling by supervisors/ regulators like? Is it possible to have a kind of exchange of education/training between the EPSO member countries and maybe set up a training together?**

**Notes**:

Some countries do have a kind of training on how to handle complaints. Some countries do handle complaints but are not having a training on how to cope with complaints and complainants in health care supervision/regulation. They have no specific training for inspectors or supervisors on the topic of complaints handling.

 \*\*\*