

This leaflet explains the Health Mediation Service for Kent.

What is Mediation?

Mediation is a process, which brings people together in the presence of an impartial third party to facilitate them in reaching a resolution to a problem. Mediation stems from the belief that there are constructive and creative ways to approach disputes, which look to the future and encourage mutual understanding.

When might I want Health Mediation?

1. If you would like help in obtaining clarity, or resolving your complaint.
2. When relationships with NHS professionals are likely to break down.

Complaints

The NHS Complaints Procedure aims to provide a quick and thorough response to each complainant. The first part of the procedure is called 'Local Resolution'. The practice involved in supplying the care or treatment should provide a response to your concerns. In most cases, this response allows complaints to be dealt with to the satisfaction of both parties.

However, some complaints may be harder to resolve. In these circumstances, providing both parties agree, the services of a mediator can be helpful.

Complaints often involve strong emotions. You may be upset, angry or frustrated. Likewise, practitioners can feel threatened, anxious or frustrated about the complaint.

With both parties in an emotionally charged state, things can initially be said or written down which may inflame rather than resolve the issues. In these circumstances, a mediator may be able to help.

Who is involved?

Mediators are specially trained in the skills of resolving disputes, and are familiar with the NHS and Primary Care. They are independent of the practice and do not personally know the parties involved in the complaint.

Listening to both the practitioner and the patient about their concerns, the mediator will assist in finding a resolution to the problem.

Meetings can take place separately or with everyone present. The two possible stages are set out below. The mediator will suggest an appropriate approach after discussions with those involved.

Stage One: Assisting Communication between Complainant and Practitioner: Information Gathering and Exchange

This usually involves the mediator meeting separately with the person(s) making the complaint, and with the practitioner. The aim is to find out more details about the complaint so that the complainant can be more informed and can clarify the issues leading to the complaint. It will also assist the practitioner to understand the key points of the complaint and what the complainant is trying to achieve.

By the end of this stage the complainant may be able to understand the details leading up to the complaint more clearly. The complainant may have had a letter from the practitioner or communication via the mediator, to outline the practitioner's view and feelings. If an expression of concern or form of apology seems appropriate this should have been passed on.

Stage Two: Joint Meetings

Some complainants and practitioners find it useful to meet each other. This helps build up the relationships and encourages more open communication about the details and the feelings around the complaints. This confidential meeting can be "chaired" by the mediator who will ensure that both party's

views are heard and they can openly express their concerns and feelings.

The aim is to achieve a mutually agreeable outcome which can either lead to the end of the complaint or at least reduce the complexity of the issues e.g. clarify where the parties agree and where they do not.

Mediation does not offer:

- advocacy - which aims to speak on behalf of one party.
- counselling, guidance or advice giving.
- arbitration - mediators do not prescribe solutions or options for agreement.
- an investigation into a complaint.

What about confidentiality?

Everyone involved in mediation strictly observes confidentiality rules. Information will not be used at the Independent Review stage of the Complaints Procedure, nor for any other process.

How do I request mediation?

Either party can request mediation although both parties must agree.

Requests for a mediator can be made directly to the service. The details are on the front of this leaflet.

Mediation for difficulties in the practice/patient relationship.

Mediation can also be offered to practices and their patients outside of the NHS Complaints Procedure. If you feel that the relationship between you and your practice is breaking down, advice and support can be offered on the telephone and visits can be made to assess the situation from both sides' point of view. The parties may then agree to meet to see if they can clarify issues, explore solutions and negotiate an agreement.

You do not have to pay for this service.

The Primary Care Trusts in Kent and Medway fund the Health Mediation Service.

Legal Advice

Mediation is not a legal process and any agreements are not binding in law. You have a right to seek legal advice.

**The
Health Mediation Service for Kent**

*A leaflet for people who are
complaining about NHS
Family Practitioner Services
and need someone
independent to help bring
about a resolution.*

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