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Mediation Making a Difference

Supporting Client-Practice
Relationships Through Resolution
and Insight

VCMS Report 2019-20

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1 Overview from the VCMS



The 2019-20 VCMS year has certainly been a 'tail' of two halves.

November 2019 saw the VCMS begin a fourth year of delivering complaint resolution through mediation across the veterinary sector. Having seen a 27% year-on-year increase in activity in 2018-19, the service expected to see a continued but tempered increase in this fourth year, as the awareness of the service levelled and we moved into a phase where the service was an embedded and integrated part of the sector.

The driving motivation of the VCMS is to resolve complaints in a positive way which focuses on how both animal owners and practices can move constructively forward from a complaint situation. The feedback from both consumer and practice perspective continues to inspire the VCMS on a daily basis – *'we think your service is absolutely fab and we tell owners to use your services if we are struggling to find a resolution to their complaint'* (practice director) and *'I would advise anyone to use VCMS instead of leaving sad and angry reviews on websites and social media, which do not really help or resolve anything'* (animal owner).

Feedback often refers to mediation 'deciphering' and 'translating' the issues, which illustrates the core element of most of the complaints referred to the service, and arising in practice – communication. If a practice and owner do not understand each others' perspective and stop listening to one another, a worry or a grumble can escalate.

The service was referenced in the RCVS corporate strategic review and highlighted the positive impact of the VCMS which included reducing formal complaints registered with the RCVS. More importantly, the review also stressed the benefits for both veterinary professionals and consumers in addressing concerns in a less stressful and adversarial way.

The second half of the VCMS year has brought this into clearer focus. COVID-19 and the restrictions implemented from March 2020 to protect public health, turned all of our lives upside-down.

The veterinary sector was no exception. Whether adapting a small animal, equine or farming practice, or involved in vital food production, veterinary professionals were operating in a continually evolving situation. During 2020,

the VCMS has heard first hand of the amazing efforts made by veterinary practices to assess the challenges of the COVID-19 pandemic, and then implement plans to meet the needs of patients and clients.

The year has seen both animal owners and individuals within practices facing pressures and challenges. Whether these related to their own physical or mental health, the health of their family, friends or colleagues, or the unforeseeable changes in financial/commercial circumstances, the world has felt a very different place.

As you will read within this report, the reduction in veterinary interactions and the strict lockdown measures resulted in fewer complaints referred to the service in April and May. This also reflected the supportive and collaborative atmosphere within society as we 'clapped for carers' and dug deep as a nation to get through the pandemic.

As we moved into the summer, and saw the easing of restrictions followed then by a resurgence of COVID-19 in autumn 2020, frustrations and stresses saw the consumer-professional relationship shift. This was not unique to the veterinary profession. Both human healthcare and other regulated professions shared the same anecdotal experience.

The VCMS saw a dramatic increase in complaints during July-August. Complaint referrals started to fall back slightly in September and October, and the VCMS ended the year with a 30% increase in complaint referrals.

The insight suggests the communication issues which often trigger and drive complaints were exacerbated by the necessary COVID-secure measures and the stresses felt by both animal owners and practice teams as we live with a prolonged period of uncertainty. New restrictions on fundamental aspects of our lives such as family life and employment have created the 'imperfect storm' and placed some practice-client relationships under unique pressure.

The VCMS will continue to share insight from the complaint trends as we have done this year. The key message has to be: to see the situation from the other perspective, we must communicate with clarity and compassion and then listen to understand. If we can nurture this approach during these more challenging times, it will help to make the interaction between the animal owner and practice team more constructive for all involved and focused on the making the best decisions for the care and welfare of the animal.

VCMS understands the important role the mediation service plays during periods of increased conflict and pressures on those on all sides of veterinary medicine. As set out in this report, we have and will continue to evolve the service and how we approach mediations to ensure the service provides what is needed by animal owners, individual practices and the profession as a whole.



by Jennie Jones

Head of VCMS

Partner at Nockolds Resolution

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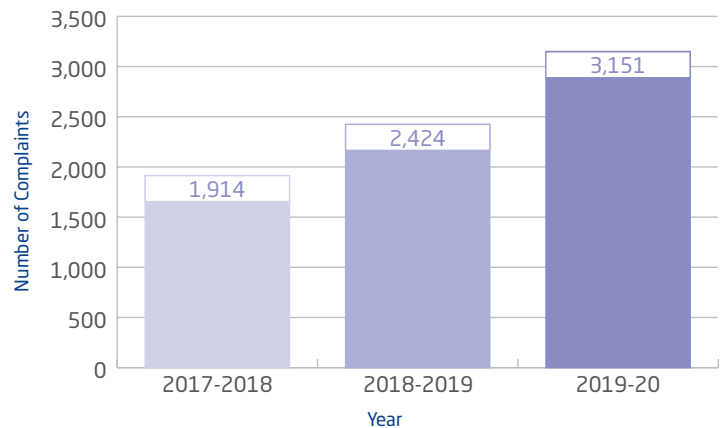
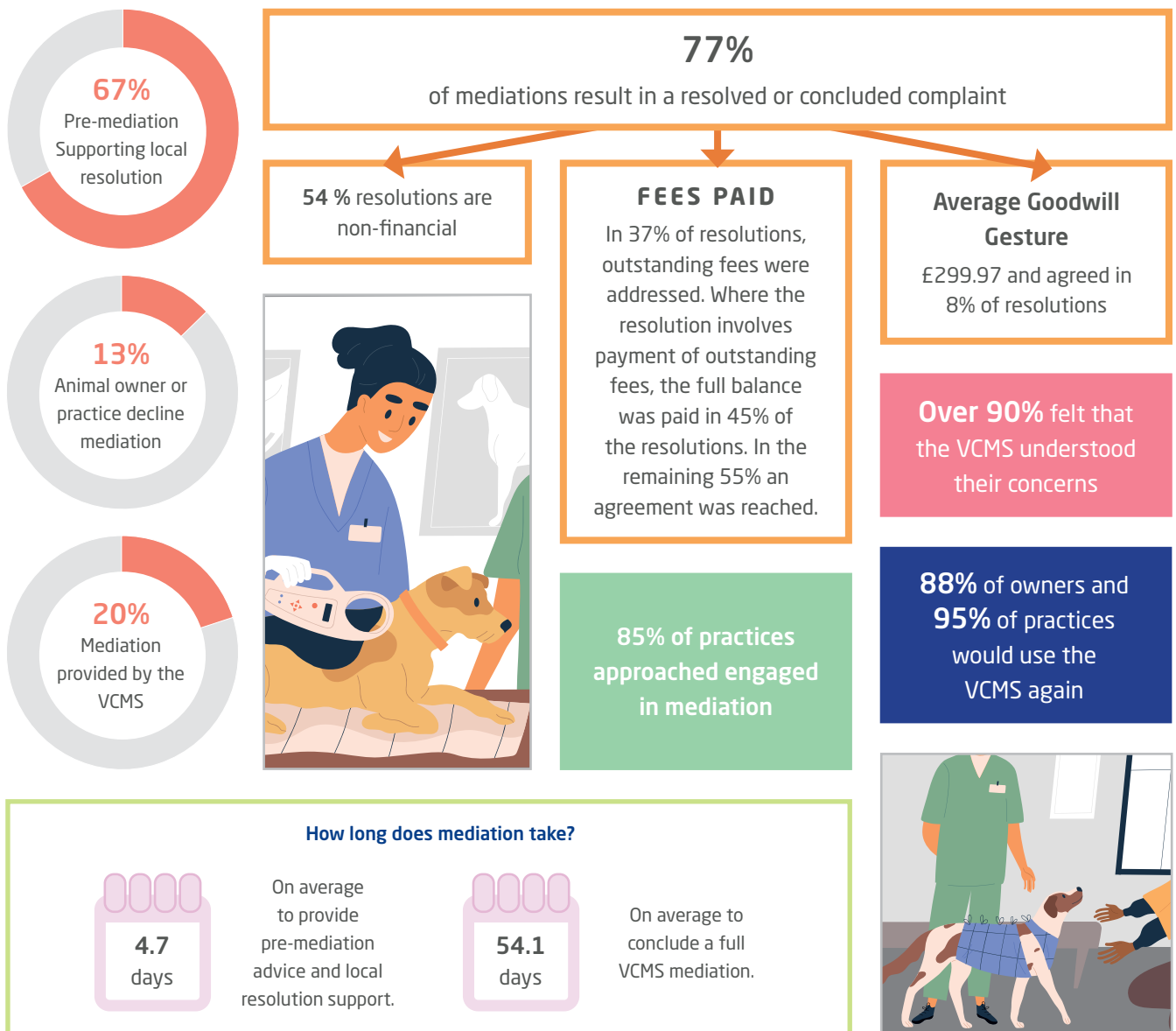
Executive Summary

Impact of pre-mediation activity:

- » Diffuses emotion
- » Brings clarity
- » Narrows issues
- » Advice and information to resolve issues
- » Sets realistic expectations (timescales & outcomes)

Effective and supports local resolution at the practice level as less than 7% return to VCMS

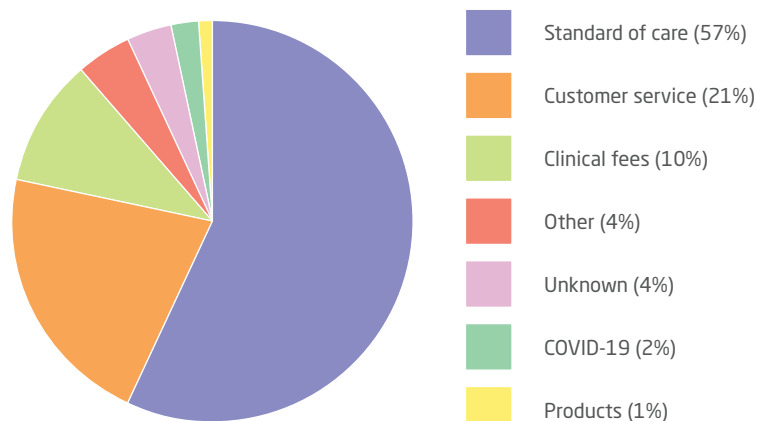
Complaints Received by VCMS YoY

**Data for 2019-20**

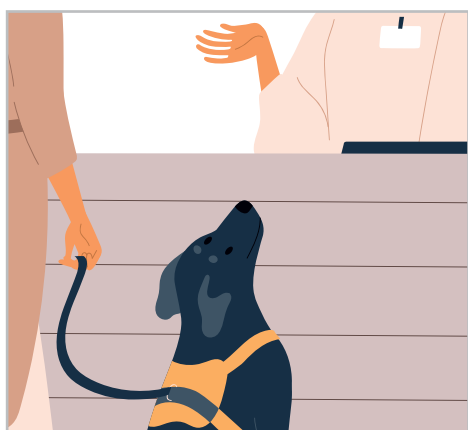
CORONAVIRUS

IMPACT ON COMPLAINTS

Nature of Complaint as Presented by Animal Owner on Referral to the VCMS



Is the complaint really about the standard of care given? In 63% of complaints relating to post surgical complications, the issues were really about communication and expectation.



Complaints involving purely COVID-19 issues accounted for 2% of referrals

MEDIATION IN ACTION →

View case studies (pg. 57)

Most Common Situations Referred to the VCMS

| | |
|------------------|--|
| Standard of care | Animal owner believes the practice did not investigate or undertake sufficient diagnostics to diagnose the animal's condition. |
| Standard of care | Animal owner believes the practice made the wrong diagnosis. |
| Customer service | Animal owner was dissatisfied with the level of service and communication around gaining consent for treatment. |
| Standard of care | Animal owner has raised a complaint as the outcome of the treatment plan was an unexpected outcome. |
| Standard of care | Animal owner believes there was a delay in diagnosing the condition. |

However, COVID-19 challenges were exacerbating factors in most post-March '20 referrals.

e.g. complaints process delayed so owner did not receive a response / communication at a distance or in different environments / pressures and stresses felt by both practices and owners impacting on complaints made

3 Objectives 2019-20



The VCMS has key objectives linked to the effective use of mediation to resolve escalating veterinary complaints.

Sharing the insight from complaint mediation is also key to:

- Help support quality improvement at a local practice level as we resolve individual complaints;
- Highlight the importance of quality improvement and reflective practice through the pro-active use of complaint data and reviews within practice;
- Consider wider issues or trends where a profession wide approach may be beneficial for veterinary professionals, animal owners, their pets and the wider veterinary community;
- Sharing different perspectives when considering strategic and professional changes within the sector.

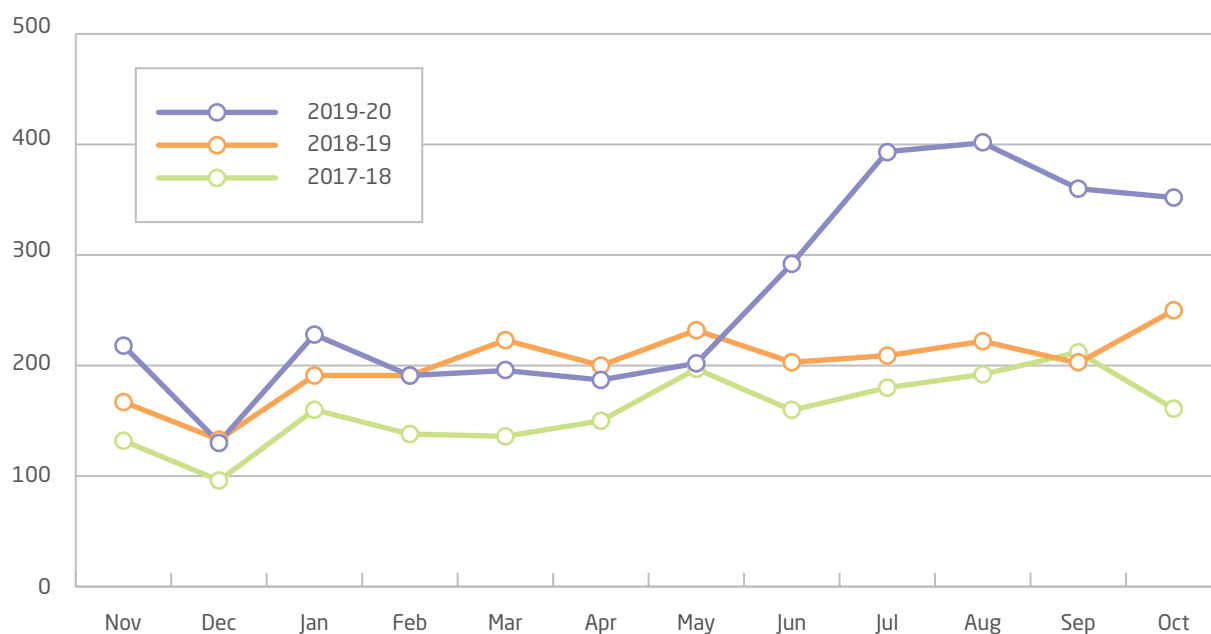
These will continue to be core objectives for the VCMS in 2020-21.

4 A Year at the VCMS



4.1. Activity

Fig. 1 Complaint Referral Numbers YoY (2017-2020)

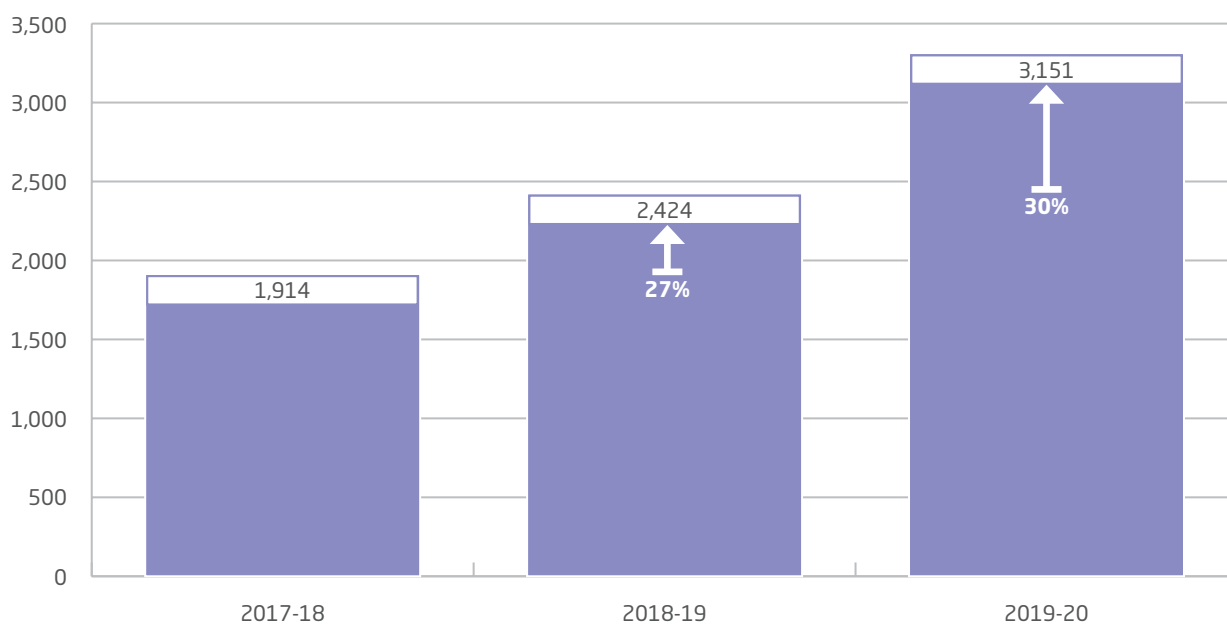


Has there been a COVID-19 impact at the VCMS?

Between 1 November 2019 and 31 October 2020, the VCMS handled 3,151 complaint referrals.

Since October 2016, the VCMS has handled over 8,300 complaint referrals.

Fig. 2 Complaints Received by VCMS YoY



VCMS annual activity figures only tell part of the story of the last 12 months. When analysing and comparing activity, it is important to consider the national situation and the context within the wider veterinary sector.

It was anticipated that the rate of increase in activity in 2019-20 would continue but at a slower pace than in 2017-18 and 2018-19. The unprecedented events of 2020 impacted on activity across the veterinary sector, fundamentally changing the interactions between practice teams and animal owners, and resulted in pressures across all areas of life. The functioning remit of the VCMS was no exception.

2019-20 VCMS activity can be seen as three distinct periods:

NOVEMBER 2019 - FEBRUARY 2020

In the period November 2019 to February 2020, there had been an increase in referrals to the VCMS by around 12% (with marked increases in November and January, which is consistent with previous years). During the same period in 2018-19, the average number of referrals per month was 170.5, and in 2019-20 this increased to 191.8.

MARCH 2020 - MAY 2020

As indicated by the results of the RCVS COVID Practice Surveys (3-7 April, and 1-5 May 2020), practice activity from 24 March to the end of May was significantly reduced with 97% of practices limiting services to emergency

care in April. The situation evolved, and in May, 69% of practices reported a reduced case load, with 26% operating on an emergency care only basis.

As well as reduced caseloads, veterinary clients were likely to be focused on acute COVID-19 worries, with immediate public health and financial concerns a priority.

The VCMS incoming referrals in March, April and May were therefore down 12% compared to 2019. As of 31 May 2020, annual activity was on a level with the same period in the previous year.

JUNE 2020 - OCTOBER 2020

During the next phase of the pandemic, the veterinary profession transitioned into a risk assessed resumption of non-emergency care, and reported an increase in activity and caseloads. This return in volume must be seen in the context of the major operational changes which practices were required to implement to provide COVID-secure workplaces and treatment clinics. Each practice was implementing its own COVID-19 risk assessment and adjusted protocols which placed pressure on practice teams and needed time to settle and bed down. Animal owners were also adjusting to the new parameters and systems in place.

There will generally be a time lag between complaint circumstances arising, the complaint being raised and handled under the practice's complaint process, and the need for a VCMS referral where local resolution is not possible.

In June 2020, the VCMS started to see an increase in complaint referrals, and this continued until year end in October 2020. These referrals related to: a) complaints arising during March and April as practices operated under the RCVS initial guidance issued on 25 March, and then updated on 9 April 2020, and; b) 'real time' complaints arising as government restrictions were relaxed and practices resumed wider activities.

This increase peaked at 402 in August. As we moved into the autumn, referred complaints per month then fell compared to previous months, by 12%, to 360 in September and 352 in October.

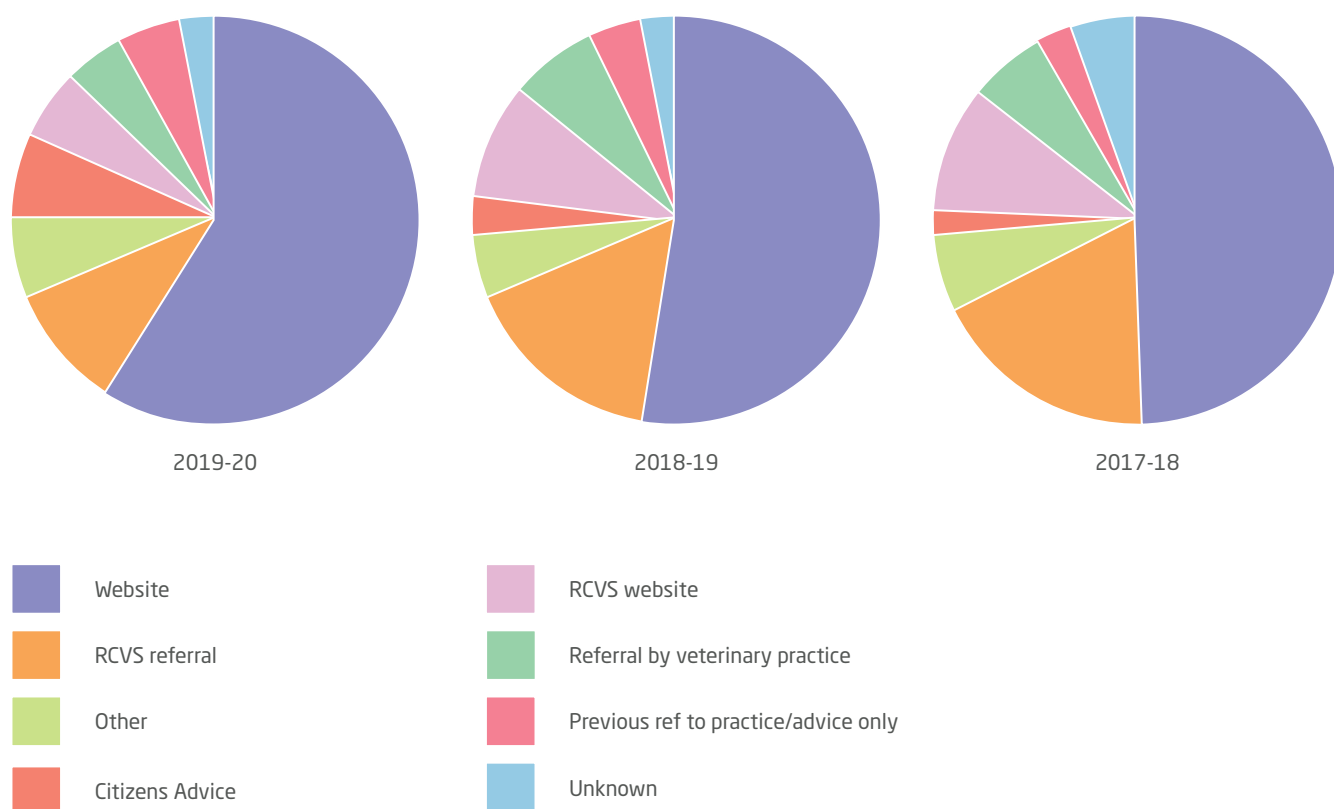
The average month-on-month increase in complaint referrals compared to the same period in 2018-19 was 66%, with complaints in July nearly doubling in comparison to 2019(+92%).

The increase in referrals between 1 March and 31 October 2020, compared to the same period in 2019, was 37%.

Within this report, the VCMS will detail the trends and share the insight from the complaints referred to the service. This paper will then consider what this increase tells us in terms of the impact of the COVID-19 restrictions across the four nations, and the relationship between animal owner and veterinary practice during COVID-19.

4.2. Awareness

Fig. 3 How Do Veterinary Clients Find the VCMS?



WHEN DO COMPLAINTS FALL OUTSIDE THE VCMS REMIT?

a. Serious Professional Misconduct

- Where the complaint involves allegations, which if proven could amount to serious professional misconduct, and required referral to Professional Conduct team at the RCVS;



Less than 1% of complaints received by the VCMS result in a referral by the VCMS to the Professional Conduct Team at the RCVS. In 2019-20, there was an increase from 0.7% in 2018-19, to 0.84% this year.

The VCMS team continues to have constructive dialogue with the RCVS Professional Conduct team to identify potential allegations to ensure appropriate referrals are made.

b. Other circumstances where the situation falls outside the remit of the VCMS:

- » **Historic complaint** - where the final complaint response by the veterinary practice was given more than 12 months ago, or the complaint was not raised by the animal owner within 12 months of them being aware of the issues involved - 23 referrals were in this category;
- » **Commercial/professional keeper of animals** - the VCMS provides complaint mediation for disputes between veterinary practices and consumers (individual animal owners). In 2019-20, the VCMS received 16 complaints from commercial animal owners;
- » **Complainant is not the owner of the animal receiving care** - the complaint must be raised by the animal owner and the client of the practice. Where complaints regarding veterinary care or service are received from third parties, the VCMS will explain the remit of the service and signpost or invite the animal owner to be contacted by the VCMS. The VCMS received 29 referrals of this nature;
- Complaint concerns a veterinary practice outside the UK - 14;
- Circumstances of the enquiry are not a veterinary complaint (49) such as:
 - » Insurance company complaints;
 - » Frustration that the treatment parameters offered by a charity during the COVID-19 pandemic;
 - » Disputes within families following relationship breakdown;
 - » Inter-practice conflict.

4.3. When Can VCMS Mediation Assist?

If the complaint falls within the remit of the VCMS, the team reviews the information to understand the status of the complaint. The first step is to ascertain whether the practice and animal owner have tried to resolve the complaint within the practice..

DEFINITION OF MEDIATION:

‘Mediation is a confidential process that gives parties control over the outcome. Mediators might provide participants with information...or options available to parties, but they do so from a neutral perspective with no interest in the outcome of the dispute and cannot impose a solution’.

- Civil Mediation Council

The VCMS uses mediation techniques to support and facilitate resolution at each stage of the VCMS process. Complaints will conclude their interaction with the VCMS process at varying stages depending on where the complaint sits in the practice’s local complaint process and the decisions made by the parties about the appropriateness of mediation.

| Outcome of concluded complaints (in remit) | % 2019-20 | % 2018-19 | % 2016-10.2020 |
|--|-----------|-----------|----------------|
| Pre-mediation advice and local resolution support | 67 | 64 | 66 |
| Owner does not proceed with mediation ¹ | 4 | 5 | 6 |
| Practice decline mediation | 9 | 10 | 9 |
| Complaint concluded in mediation | 16 | 17.5 | 16 |
| Mediation concluded without resolution | 4 | 2.5 | 3 |

VCMS concluded 3,077 referrals during 2019-20 (26% increase on 2018-19 2,441)

PHASE A - PRE-MEDIATION ADVICE AND LOCAL RESOLUTION SUPPORT

If the practice's complaint procedure has not concluded at a local level, then the owner receives pre-mediation input before being referred to the practice to try and resolve locally. VCMS input before being referred to the practice to try and resolve matters locally.

Interactions with the VCMS team in this phase will include:

- Telephone contact;
- Email contact;
- Provision of further information from RCVS, VCMS and other veterinary professional body libraries.

The VCMS pre-mediation advice and support looks to facilitate local resolution in the following ways:



67% of complaints concluded their VCMS interaction at this stage:

- In 47% of cases, the VCMS provided pre-mediation support to facilitate local resolution at practice level;

-
- In 20% of cases, the VCMS provided advice or information with the aim of concluding the complaint at that stage. Examples of this included:
 - » References to the COVID-19 advice and guidance issued by the RCVS to explain and give context to the changes made within practices because of the COVID-19 restrictions;
 - » Information on reasonable response timescales for complaints raised with a practice, complaint processes, how to raise a complaint constructively and subject specific queries where complainants are provided information relevant to their complaint which will help them to consider their expectations, proposals made by a practice in their complaint response and address any misunderstanding which can be addressed at an early stage.

Last year's [VCMS annual report](#) detailed examples of complaints referred to the VCMS before local resolution had been exhausted, sharing the impact of the service in this area.

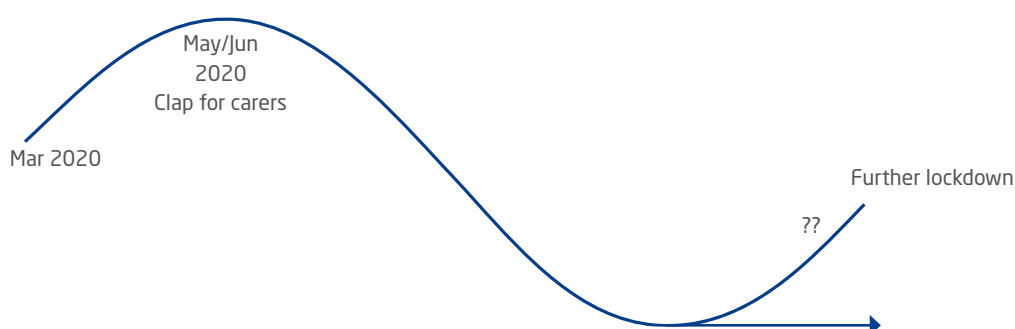
The increase in referrals handled at this pre-mediation phase during 2019-20 may be affected by COVID factors, such as:

- Communication challenges during COVID-19 – practices have explained that complaint responses have taken longer to send due to clinical or operation pressures, and members of practice teams who would normally handle complaints may have been furloughed or redeployed into front line care roles. If an animal owner becomes frustrated or feels ignored, they seek to escalate the complaint and have the option of contacting the VCMS rather than the RCVS or legal pathway;
- Animal owners were seeking information to sense check or explore their particular views on the very unusual situations and circumstances;
- The frustrations and wider anxiety across society, which continues to increase levels of tension and stress in all areas of life;
- Pressures on practice teams – their concerns and anxieties impacting on the tone and nature of response to owner queries, feedback, or complaints.

During 2019-20, the VCMS produced further guidance for animal owners on raising and progressing complaints in a constructive and compassionate way. This information helps to manage expectations, particularly around timescales, and focus on the complaint issue.

Wider Consumer-Professional Context:

- Striving to deliver great customer care has always been ‘just the right thing to do’
- What are we seeing at Nockolds Resolution during the pandemic?
 - » Disruptive innovation - new threats and opportunities
 - » Evaporating societal goodwill



Now, more than ever, great customer care will be key to ensure that practices survive and thrive.

The increase in pre-mediation complaint support contacts was expected, and consistent with other sectors in which Nockolds Resolution operates.

The veterinary practices will often be unaware of the VCMS involvement as complaints at this stage may not have been raised or have not yet concluded the local complaint process within the practice. These interactions are managed sensitively and cost effectively to give the parties the best chance of resolving the complaint locally.

Animal owners explain they contact the VCMS before the local complaint process is concluded for the following reasons:

| | |
|---|---|
| They seek a steer on whether their complaint is reasonable | The VCMS team does not adjudicate, however, using mediation techniques the team helps the animal owner to put their issues into context, and to explain in clear terms why they are unhappy and the outcome they are seeking. The team encourages animal owners to think about wider, non-financial resolutions. |
| They seek a third party to raise the complaint with the practice on their behalf | The animal owner may feel that a third party should be informed. The VCMS explains that the most effective way to resolve the complaint is to liaise with the practice, and this must be the first port of call. |
| They have not received an acknowledgment or response to their complaint in the given or expected timescale | The VCMS has provided guidance on acceptable complaint response timescales aligned with other professionals and healthcare providers. Where an owner is seeking immediate input relating to urgent veterinary care, they are advised to contact the veterinary practice as a matter of urgency. |
| The response addresses some of the issues raised but others remain live or pending | In this situation, the VCMS will help the animal owner to consider the response given and to reflect on the importance of those issues not addressed. Where these are incidental, the animal owner will consider if it is productive to revert. Where those issues remain live and important to the animal owner, the VCMS will encourage them to continue dialogue with the practice, having diffused the owner's frustration. |

| | |
|---|---|
| <p>They feel a complaint to the practice will be 'ignored' or 'pointless'</p> | <p>The VCMS team will explain the importance of allowing the practice to have the opportunity to respond and emphasise that the practice is best placed to understand their complaint and to progress to a resolution. The team also reminds the animal owner that the VCMS mediation process is available to them if the practice does not respond constructively and follow an appropriate complaint process.</p> |
| <p>Level of emotion involved and feeling that interactions are becoming more confrontational</p> | <p>In highly emotive complaint scenarios, the VCMS role at this preliminary stage can be critical in diffusing the emotion. This interaction can help the animal owner to share their emotions, acknowledge the impact on the complaint and explore the best way to constructively raise the complaint in such a way that the practice can respond and progress.</p> |

The guidance and information referred to above, enables animal owners to access assistance without having to make contact with the VCMS team. Complainants often want to feel heard, and will contact the VCMS to receive this acknowledgement. This has been important with pressures on practices hampering complaint responses. VCMS interaction allows this to be given in a cost-proportionate way within an independent and non-judgemental process, minimising distress and pressure on the practice.

Having referred the animal owner back to the practice, only 4.7% of those complaints return to the VCMS for independent mediation, at which point the VCMS will contact the practice to begin full mediation. This is a testament to the positive impact of the VCMS work at this phase and the commitment of practice teams to resolve complaints at a local level.

The VCMS remains committed to delivering this local resolution support as cost effectively as possible, while retaining the positive impact to support both animal owners and practices achieve swift and effective resolutions.

This area of complaint resolution also provides the VCMS with insight to complaint scenarios at an early stage, allowing the VCMS to share this insight through its feedback initiatives.

Beyond local resolution

PHASE B - PRE-ENGAGEMENT

The VCMS reports on outcomes in terms of overall activity (Table page 1 and Appendix A), and then provides further analysis on the 3 phases of activity.

Phase A concerns the work of the VCMS in resolving complaints at a local level without the need for full mediation.

Phase B and C involve those referrals where local resolution has been exhausted, and one of the parties seeks independent mediation to try and find a resolution. Referrals to the service are made by animal owners even where a practice is seeking to use the VCMS service. This avoids concerns around the sharing of personal data by a practice with the VCMS.

Phase B relates to party engagement.

As an overall outcome of referrals to the VCMS, 9% of referrals conclude with the practice declining to engage.

— Animal Owner Engagement

In 3% of referred complaints, the animal owner opted not to proceed with the mediation as they wanted

an investigation via a legal claim process and did not want to attempt mediation before doing so (consistent with 2018-19).

When local resolution has been exhausted and the animal owner wishes to progress with the mediation, the VCMS will then contact the veterinary practice ².

– **Veterinary Practice Engagement**

In recent years, practice engagement rates have been consistent, with positive incremental increases in recent years. Further increasing practice engagement was an objective for the VCMS in 2019-20.

As an overall outcome, in 9% of VCMS referrals, VCMS input concluded as the practice declined to engage. This provides a comparison with previous years.

As a direct comparison with the analysis in 2018-19 as at 31 October 2020 (disregarding the ongoing active mediations), 72% of practices invited to mediate had engaged and the mediation was concluded, which is consistent with 2018-19 engagement levels. This is a positive outcome considering the impact of COVID-19 on the profession.

It is then more helpful to consider how many practices, who were invited to engage in mediation, did accept the invitation and participate in the mediation process.

In 2019-20, on average:

- » 141 complaints per month were active within Phase B and C or have concluded after full mediation;
- » Of these, 22 practices a month declined to proceed into mediation;
- » In 15.6% of referrals which could have progressed into full mediation, the practice decline to do so;
- » In 84% of referrals where full mediation was available to the parties, was underway or concluded in a month, the veterinary practice engaged in the VCMS mediation.

This assessment takes into account those complaint referrals active within mediation and those concluded each month.

4.4. How Effective is Mediation in Resolving Complaints?

Pre-mediation advice and local resolution support within Phase A use mediation technique to diffuse and de-escalate complaints which have not yet completed the practice's own complaint procedure. In 93% of complaints handled by the VCMS at this stage, there is no further contact by the complainant, which suggests the mediation inspired support is effective, and facilitates local resolution without further input by the VCMS.

Where local resolution has been exhausted, the VCMS resolution managers use telephone mediation to help clients and practices to explore the complaint and work towards a resolution.

During 2019-20, the VCMS mediations (within Phase C of the VCMS process) increased by 34.9% compared to 2018-19, which exceeded the overall increase in referrals closed in the previous year.

At this mediation stage, outcomes which bring the complaint to a conclusion are achieved in **77%** of cases and include:

- **Early resolution**

Animal owner has exhausted local resolution, and following interaction with the VCMS, the complaint is closed. Mediation techniques used to bring an escalating complaint to a close; or

- **Resolved on mediation**

Resolution found addressing all concerns. Mediation Agreement signed by both parties;

- **Mediation concluded without formal resolution - unlikely to escalate**

Mediation concluded without signed mediation agreement.

In **23%** of mediated complaints, the complaint may be continuing and escalate.

- **Mediation concluded as requires formal claim process**

Mediation halted as one or both parties decide that a formal claim process is more suitable forum and legal proceedings are likely;

- **Mediation concluded without resolution**

Mediation concluded without any resolution. Proposals not put forward by either party.

This year, greater input was focused on resolving disputes as early as possible without practice involvement. For that reason, these conclusions are included in the mediation outcomes.

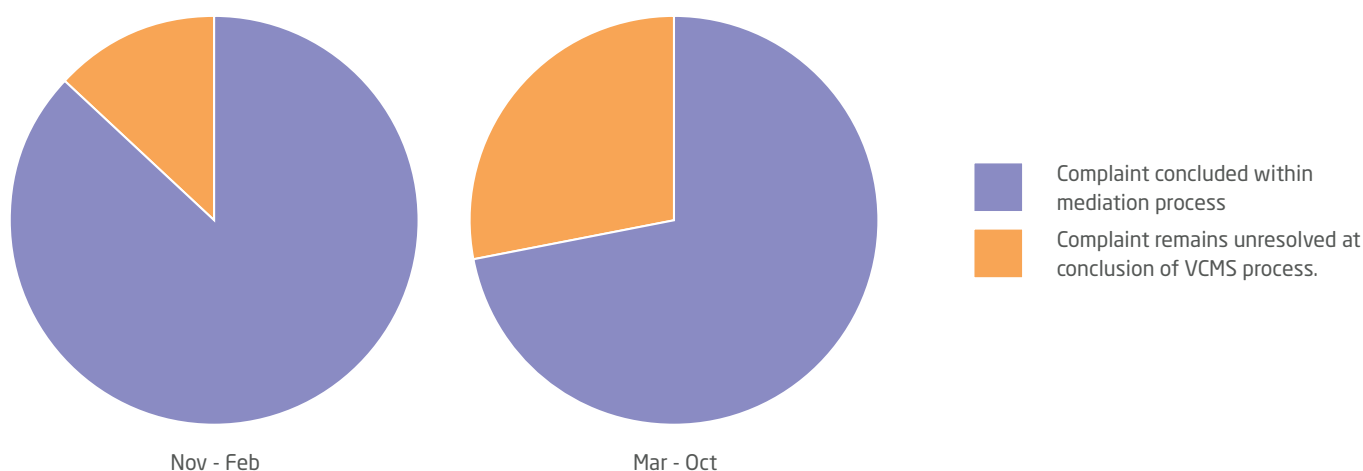
82% (2016-20)

of mediations result in resolved or concluded complaints (77% 2019-20)

Did the VCMS see a variation in resolution rates during 2019-20?

The VCMS has analysed activity monthly during the second half of this year to monitor the impact of COVID-19. As with referrals to the service, resolution data suggests there have been two phases to 2019-20:

Fig. 4 Resolution Pre and Post-COVID-19



Monthly outcome data is at Appendix 1.

In the 10 most common complaint situations referred to the VCMS (listed below), the average mediation resolution rate was 80.7%.

| | |
|------------------|---|
| Standard of care | Owner feels the practice could and should have done more at an earlier stage to diagnose and treat their animal's condition or illness. |
| Standard of care | Owner feels the practice made an incorrect diagnosis and this was unreasonable in the circumstances. |
| Customer service | Owner feels the discussion around the treatment pathway was insufficient or unclear, so they did not make an informed decision and therefore feel they did not fully consent to the treatment or costs incurred. |
| Standard of care | The outcome was unexpected by the owner and they feel that either something went wrong or they were not informed of the risks, to enable an informed decision to be made. |
| Standard of care | Owner feels a condition or injury could have been diagnosed earlier. |
| Standard of care | The animal was in the recovery stage following treatment or surgery, and experienced a complication. The owner considers there to be aspects of the care provided which caused or contributed to this complication. |
| Standard of care | The animal experienced a complication during surgery. The owner considers there to be aspects of the care provided which caused or contributed to this complication. |
| Clinical fees | The owner considers the fee charged to be excessive for the care, service received or product purchased. |

| | |
|------------------|---|
| Customer service | The owner feels their views on their animal's condition, their observations or possible diagnosis were ignored or dismissed, leaving them feeling belittled and often, where the owner's input was closely aligned to the ultimate diagnosis. |
| Customer service | The owner feels the practice did not demonstrate or convey any or sufficient empathy, and they considered the practice to be uncaring and prioritising fees over animal care. |

4.5. Resolutions Achieved Through VCMS Mediation

Non-financial agreements in 54% of resolutions, such as:

- Apologies;
- Acknowledgement and recognition;
- Further explanation;
- Resolving misunderstandings;
- Reassurance;
- Helping an owner to reach a point of acceptance;
- Provision of further information to assist with pet insurance claims.

Complaints concluding with a financial resolution involved four types of resolution (46% of resolutions):

| Financial Resolution | 2019-20 | 2018-19 |
|---|---|---|
| A goodwill gesture paid by the practice to their client | <ul style="list-style-type: none"> – A goodwill gesture forms part of the resolution in 8% of mediated complaints – As an average, across the VCMS the average goodwill gesture is £296.97 | <ul style="list-style-type: none"> – The average goodwill gesture decreased by £30.74 – The proportion of complaints where a goodwill gesture was agreed fell from 17% of mediated complaints to 8% in 2019-20 |
| A refund or a reduction in the fees | <ul style="list-style-type: none"> – In 21% of mediated resolutions, fees had been paid by the client, and a refund was agreed as part of resolution | <ul style="list-style-type: none"> – The proportion of mediated complaints where an agreement to reduce or refund fees was reached decreased by 5%, to 21% |
| Payment of outstanding fees by the client | <ul style="list-style-type: none"> – In 16% of resolutions, the resolution addresses outstanding fees – In 45% of those resolutions, the outstanding fees were paid as the owner's complaint was resolved. – The average fee payment was £571.45 with a total of £32,572.20 covered by VCMS mediation agreements | <ul style="list-style-type: none"> – As a proportion of resolutions, payment of outstanding fees (in full or partial) has remained consistent compared to previous years – The average fee payment did fall by £122.82, and there was also a reduction in the total fees covered by mediation agreements in 2019-20 |
| Memorials or donations to recognise the impact on the owner and family | <ul style="list-style-type: none"> – These resolutions accounted for 1% of the agreements reach, and included charity donations, purchasing memorial items | |

4.6. The Impacts of COVID on Mediations and Complaint Resolution

Due to remote working and the shifting complaints landscape, from early April 2020, the resolution management team met weekly to review the progress of mediations and to consider the changing

dynamics within dispute resolution. This has enabled the team to adjust approaches and techniques to meet the challenges faced in resolving complaints during the COVID-19 pandemic.

As set out in *Section 7: Insight Sharing*, the number of complaints arising purely because of the pandemic or the related restrictions has remained low, but the impact of the COVID-19 restrictions across the four nations has exacerbated communication challenges, made it harder for practices to provide reassurance or early resolution at the time of a consult or an event and increased the number of escalating complaints. This does also appear to have had an impact on resolution rates. Given the challenges in practices and the wider anxieties felt by animal owners, mediations have been more emotive and complex.

Mediation facilitates an agile and practical approach to complaint resolution, and provides a blank canvas to explore all options and avenues to address and resolve the complaint. This has been increasingly important during COVID-19 as traditional and established resolutions may not have been as readily available.

In terms of the outcomes sought by animal owners as they enter mediation, these have remained consistent with previous years. In around 75% of complaints referred to the VCMS, the complainant comes to mediation seeking a financial resolution to their complaint. These include refunds, contributions to cost of further treatment or compensation for their distress. For example, practice financial and commercial pressures means refunds/goodwill gestures may not be as readily available. The owner may have financial pressure meaning they are more determined to claim a financial resolution.

Practices have continued to offer goodwill gestures, payment plans, apology letters, clinical explanations, and changes in protocol. The proportion of complaints continuing and escalating into a civil claim, legal process is consistent to 2018-19.

Reflections from the VCMS team indicate that outcomes and resolutions during 2019-20 have been affected by:

- Anecdotal reports of financial pressures for animal owners due to job losses, furlough and tighter personal budgets;
- Heightened levels of general anxiety and frustration directed to the veterinary complaint. This means mediations can be more challenging as parties are more entrenched;
- Pressures on practices impacting on how a complaint is handled locally, meaning the parties are more entrenched when the complaint is escalated;
- Owners feeling more disconnected with the veterinary care their animal receives, and this risks issues of trust and confidence: *'I don't believe the vet did X, Y, Z'*;
- The telephone mediation calls have taken longer to arrange as working patterns and roles within practice teams have had to adjust to meet the primary demands in the practice. This can make feedback calls (following the initial mediation contact) more challenging if the momentum from the initial calls cannot be maintained;
- Animal owners have felt far more determined to achieve their desired outcomes, especially on the expectations of goodwill gestures. It has been challenging to manage their expectations of a realistic goodwill gesture;
- Anecdotally, some animal owners have had more time to reflect on their complaint, and this can deepen entrenched views which can be harder to rationalise during the mediation;

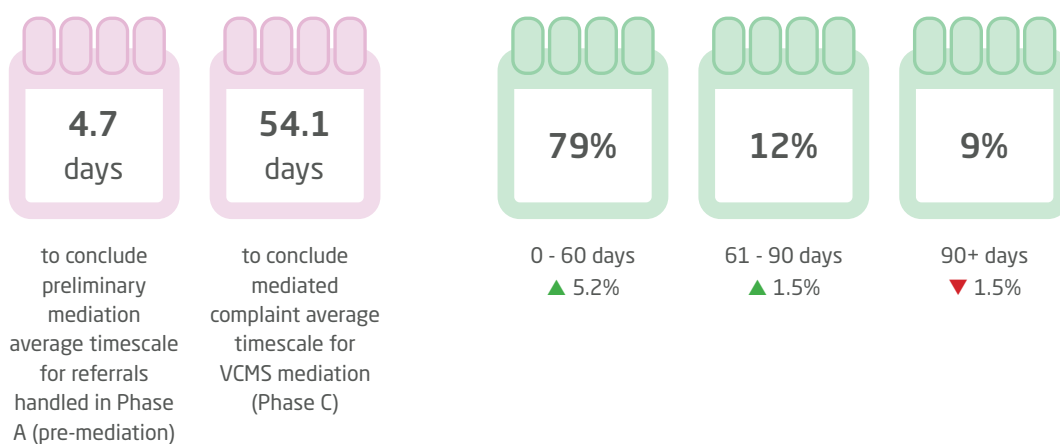
- With more family members at home during the pandemic, mediations can be complicated by other parties seeking to have an input in parts of the mediation discussions. Where a complaint involves joint owners or strong family involvement, the VCMS will explain to the complainant that any interested parties should participate in the full mediation and not intermittently. As with the practice team, those who need to be involved in the decision-making should participate in the full mediation to ensure it is effective.

The reflections on VCMS mediations align with the wider pressures across society caused by the anxieties arising from COVID-19, personal and economic worries and frustrations building over the past eight months. Sensitive and empathetic mediation has been key, as both parties are feeling weary and have been subjected to a lengthy period of pressure and uncertainty. The resolution rates and agreements achieved demonstrate the continued positive impact of mediation in veterinary complaint resolution.

RESOLUTION MANAGER REFLECTION:

'In some mediations, the impact of the pandemic on us all has made finding a resolution harder. There have been more cases where both parties come into the process with an all or nothing mindset so we have to work to gain understanding that a little movement on either side can truly help to draw a close to things. I have found it is about each side being willing to accept they may not be completely happy with each other's perspective but being able to find a way to draw closure to the complaint weighing up the down sides to it continuing.'

Fig. 5 Timescales



(Calculated from the date the complaint is referred to the VCMS. Standard ADR KPI's measure timelines from the date all relevant information is provided by both parties. The VCMS seeks to progress a complaint to mediation as swiftly as possible as this enhances the experience for service users and increases the likelihood of a resolution).

5 Supporting Those Involved



The VCMS provides effective complaint resolution via empathetic mediation techniques.

By their nature, veterinary complaints are emotive. The heightened anxiety and uncertainty caused by COVID-19 has added to the levels of emotions involved.

| Animal Owner | Practice |
|---|--|
| Grief | Frustration |
| Worry about decisions made | Misreading owner's position or state of mind |
| Guilt about decisions made or actions taken | Feeling protective of the team |
| Financial worries | Discomfort with owner's response |
| Embarrassment - understanding, financial | Fear - escalation both within the practice or professionally |

Resolution will be influenced by how a party feels and if these emotional drivers have been recognised.

Addressing the emotional elements of a complaint is an important aspect of mediation. To achieve resolutions and to also secure future engagement by that service user and the wider veterinary community, mediation has to be, and be seen to be:

- Independent;
- Impartial;
- Fair;
- Able to understand the events and responses of those involved.

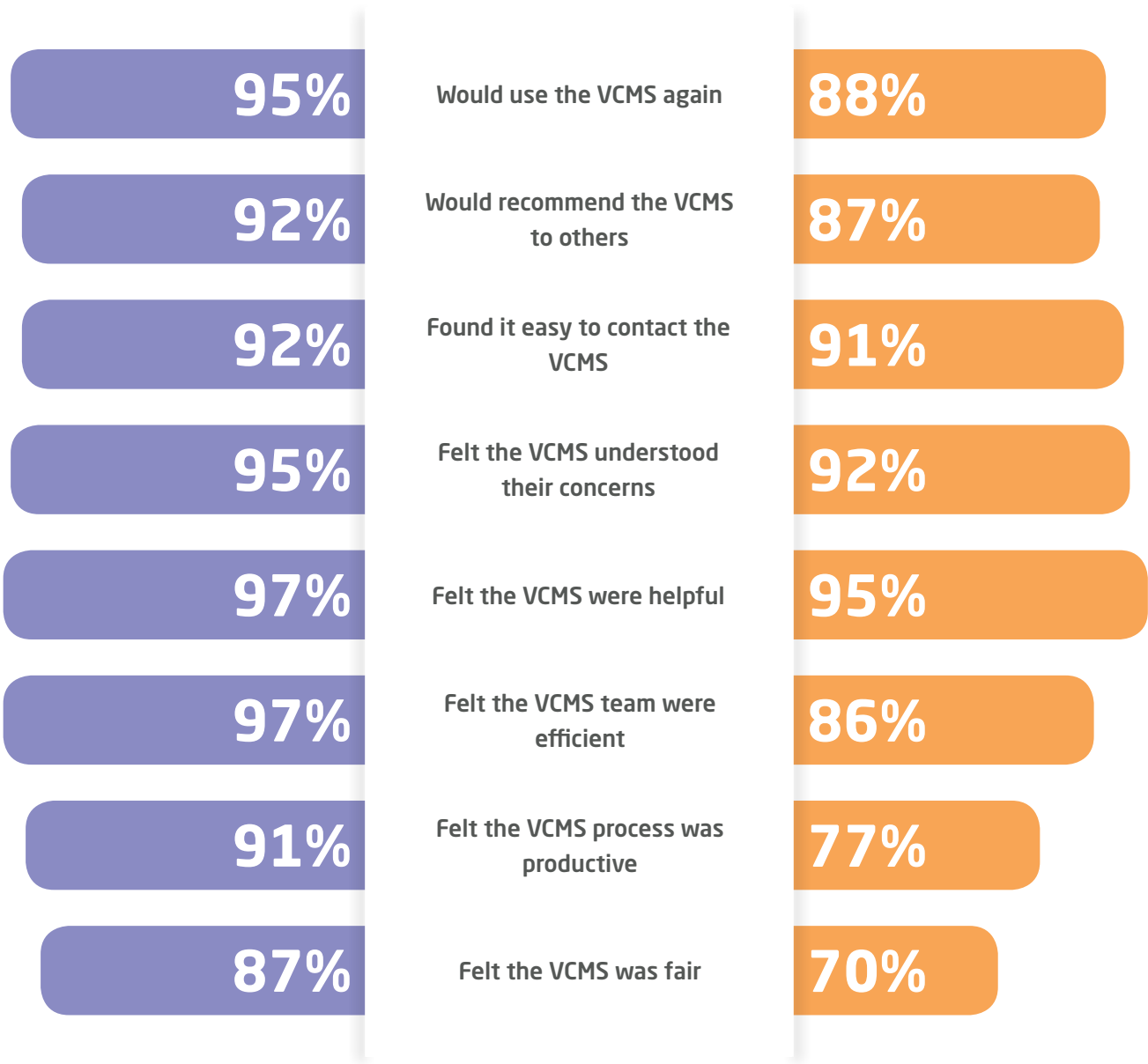
FEEDBACK FROM VCMS SERVICE USERS DURING 2019-20 TELLS US



Veterinary Practices



Animal Owners



6 Conclusion



As we reflect on 2019-20 and then look forward to 2020-21, it is apparent that the role and impact of the VCMS in the current environment is more important than ever.

When the reality of COVID-19 distances people, using techniques and approaches to bring a clearer understanding of the other party's perspective and break down the differences to find the commonality is vital.

With increased activity, the VCMS has continued to provide a time-efficient and worthwhile resolution service and despite the challenges, improved the timeline in bringing a complaint mediation to a conclusion.

More entrenched positions, the impact of the stresses and pressures felt in response to COVID-19 have impacted on the client-practice relationship, and the responses from both groups to individual situation. These pressures have also made mediations harder. The VCMS continues to evolve and develop its approach to mediation. The team has been agile and supportive, which has enabled the service to deliver a positive impact, both in terms of supporting local resolution and through full mediations notwithstanding the unprecedented situation.

Ongoing learnings from 2020 will continue to inform what we do and how the service supports the public and profession in the most effective and efficient way possible.

The measures needed to provide continuity of veterinary care during the pandemic have also resulted in significant changes in practice operations. Necessity has been the mother of innovation, and resulted in permanent changes in how veterinary care is delivered going forward.

Alongside this, the profession itself is looking at the changes necessary to ensure the professional meets the future needs of society. Legislative reform and ongoing consultations on changes to how veterinary care is delivered, such as tele-medicine and remote prescribing, are prime examples.

There is little doubt that the profession will seek to retain the positive aspects of the innovation necessary during the pandemic. Where these are beneficial to animals, owners and the practice team, practices will look to embed

these in the day-to-day activities.

As well as clinical learnings, quality improvement through insight and analysis must also be applied to the practice-client relationship and client care. Complaints have a valuable part to play in any reflective professional practice.

Veterinary complaints do involve themes which are common across other healthcare sectors and professions – communication, expectations and the impact of the imbalance of knowledge. They are, however, also very unique – the emotional investment of both parties in the individual animal and the ‘calling’ felt by many within the practice team mean that issues can rapidly escalate and become emotive.

In the longer term, the VCMS has an ongoing role to play in supporting the profession to approach conflict and complaints in a more positive way. Nurturing the view that a complaint can provide an opportunity for learning, and handled in an open and collaborative way, can strengthen the relationship with the client and minimise the stress felt by veterinary professional in a complaint scenario.

A relationship of trust and respect is the ideal for both animal owners and practice teams. Understanding and listening to the alternative perspective is a cornerstone of that relationship. It is a two way process requiring respect and compassion from both parties. Bringing the animal owner voice into the resolution process is a fundamental aspect of mediation. As a forward looking profession, that voice must be an influence and component as the RCVS and veterinary professionals reach out to define and shape the profession of the future.