

Goodwill Payments Guide

1. Introduction

This Guide is based on and is to be used in conjunction with the 2022 version of the ISCAS Code which came into force on 1st February 2022.

2. Purpose of the Guide

The purpose of the Guide is to assist Independent Adjudicators (IAs) in deciding upon the circumstances in which a goodwill payment should be awarded and the amount to be awarded. It seeks to ensure that decisions made are proportionate, transparent, consistent and fair.

3. Purpose of a Goodwill Payment

The primary purpose of a goodwill payment is to reflect any distress or inconvenience arising from the heads of complaint that have been upheld or as a result of pursuing the complaint. It is not a process by which a refund or compensation may be obtained.

4. Consideration given to financial offers made at Stage 1 or Stage 2

Where a financial offer has been made to settle the complaint at Stage 1 or Stage 2, ISCAS will inform the complainant that this offer will be 'taken off the table' if they choose to escalate the matter to Stage 3. ISCAS will ask the complainant to confirm that they are happy to proceed with Stage 3 adjudication in light of this.

IAs will not give regard to the sum that has been offered at either Stage 1 or Stage 2 when deciding upon the level of goodwill payment to be awarded, if any. Goodwill payment awards made at Stage 3 may be more or less than the amount offered by the subscribing healthcare provider.

5. The range of goodwill payments

IAs have discretion to award goodwill payments ranging from £50 up to a maximum limit of £5,000. The average goodwill payment awarded in 2020-21 was £613.00. In some cases, a goodwill payment may not be awarded at all.

Scale	
Tier 1	£50 to £500
Tier 2	£501 to £1,500
Tier 3	£1,501 to £3,000
Tier 4	£3,001 to £5,000

6. Application of guidance by Independent Adjudicator

IAs will consider the contents within each tier and within each column to determine where the level of any award should fall. IAs will then use their judgement to decide upon the level of goodwill award to be made, if any. Their judgement will be guided by the factors that increase the seriousness of the complaint (aggravating factors) and those that reduce the level of seriousness (mitigating factors). IAs will consider only those heads of complaint that have been upheld when making their decision.

7. Award of goodwill payment

There is no right of appeal against the IA's decision.

	Complainant experience		Internal complaint handling					Co-operation with Stage 3
	A: Seriousness of complaint	B: Impact on complainant	C: Quality of investigation	D: Tone and quality of response	E: Attempts to resolve	F: Responsiveness	G: Compliance with the Code	H: Co-operation with Stage 3 after file sent to IA
Tier 0	Substantive complaint not upheld	Substantive complaint not upheld or negligible impact	Thorough and robust investigation carried out Meeting offered to complainant	Tone of responses constructive, empathetic and sincere Clear and comprehensive response provided	Evidence of early communication to explore a suitable resolution during investigation at Stage 1	Complaint progressed at a reasonable pace	Compliance with all standards set out in the Code	No further information required
Tier 1	Service or financial complaint – lower level	Minor financial, emotional or physical impact	Complaint treated seriously but investigation lacking	Tone of response factual but lacking in empathy Most concerns addressed Response lacking in clarity and comprehensiveness	Evidence of communication to explore a suitable resolution during complaint handling by conclusion of Stage 1	Minor delays. Explanation provided about progress	Breach of one or more standards leading to negligible impact on quality and effectiveness of complaint handling	Requested additional information provided in full within 10 working days
Tier 2	Service or financial complaint – higher level	Moderate financial, emotional or	Complaint not treated sufficiently seriously	Tone of response not sincere or empathetic – not	Evidence of communication to explore a suitable	Moderate delays. Explanation lacking	Breach of one or more standards leading to	Minor delay in providing requested information. No

		physical impact	Quality of investigation or review inadequate	conductive to resolution Response not clear or comprehensive	resolution during Stage 2		moderate impact on quality and effectiveness of complaint handling	explanation provided or explanation inadequate
Tier 3	Clinical concern without potential for significant harm	Major financial, emotional or physical impact	Complaint not treated seriously	Tone of responses dismissive and/or insincere Failure to comprehensively address all issues raised	Evidence of regard given to exploring a suitable resolution but with limited communication with complainant	Significant and repeated delays. Explanation lacking	Breach of more than one standard with significant impact on quality and effectiveness of complaint handling	Significant delay in providing requested information and/or information incomplete. No explanation provided or explanation inadequate
Tier 4	Clinical concern with potential for significant harm	Substantial or life-altering emotional or physical impact	No investigation carried out	Tone of responses unprofessional or rude Failure to comprehensively address any issues raised	Evidence indicates no regard given to exploring a suitable resolution at either Stage 1 or Stage 2	Excessive and unexplained delays	Multiple breaches of the standards. Very poor complaint handling	Failure to provide requested information. No explanation provided or explanation inadequate