

Ayrshire and Arran NHS Board

Monday 29 January 2018



Patient Experience: Scottish Public Services Ombudsman Annual Report 2016-17

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Recommendation

The Board is asked to receive and discuss SPSO activity for financial year April 2016 – March 2017.

Summary

The Annual Report received in October 2017 from the Scottish Public Service Ombudsman reflects complaint activity in NHS Ayrshire & Arran following the adoption of a more person centred approach to complaint handling. It highlights complaint themes and outcomes and how SPSO activity in 2016-2017 compares to activity in 2015-2016.

Key Messages:

SPSO activity is an important indicator on how effective our complaint handling processes are and whether they are meeting the needs of our complainants. This paper highlights key points from the report which includes;

- A marked drop in SPSO referrals proceeding to the investigation stage since the previous year
- A reduction in the number of upheld judgements
- A picture of the service issues that have generated the most complaints

Glossary of Terms

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| NHS A&A SPSO | NHS Ayrshire & Arran Scottish Public Services Ombudsman |
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1. Introduction

Each year the SPSO provides NHS Boards with statistics to inform on the service issues which have generated the most complaints to them and how the public has felt about our handling of their complaints.

This information is important to enable us to continue to develop a culture where complaints are valued and considered an opportunity for learning and improvement. Changes made to how we handle complaints in NHS Ayrshire & Arran in 2016 and the SPSO's move to a stronger focus on outcomes are evident in this year's report, the main points of which are discussed in this paper. An explanation of all the SPSO stages and outcomes is provided in Appendix 1.

2. Complaints Received by Ombudsman 2016/17

For 2016-2017 92 complaints were received by SPSO with regard to NHS A&A complaints, which is a drop from 109 in 2015-2016 (see Table 1 overleaf). Board members will recall from the regular quarterly reports on our complaints and feedback performance that we are using key SPSO measures as indicators to inform whether patients and families feel our approach to addressing complaints is working well. These were presented at the December Board meeting and demonstrated less referrals, less complaints going to full investigation and less recommendations for action.

Of the complaints received by SPSO, those relating to clinical treatment/diagnosis account for 74 (80%) with other categories only receiving a small number of complaints.

The reasons for complaints highlighted by SPSO are similar to those received at Board, and it is interesting to note that a higher percentage are classified as clinical treatment / diagnosis, with only a small number attributed to communication, attitudes and behaviour and appointments. This is due to a slightly different approach to categorising complaints by the SPSO. For example, a complaint about the communication issues relating to a diagnosis can be classified as communication, or diagnosis, and in some cases include attitudes and behaviour.

Table 1 also identifies three complaints due to poor complaint handling. This is an increase from one case the previous year, but it remains low at only 3% of all our SPSO complaint activity and is a good balancing indicator that our current approach to complaint handling is meeting the standards laid down by the SPSO in a consistent manner.

Table 1- Complaints and themes

| Subject | Ayrshire and Arran NHS Board | Dentists and Dental Practices | GP and GP Practices | Pharmacists & Pharmacy Services | Total |
|--|-------------------------------------|--------------------------------------|----------------------------|--|--------------|
| Clinical treatment/Diagnosis | 60 | 1 | 12 | 1 | 74 |
| Communication/staff attitude/dignity/confidentiality | 4 | 0 | 2 | 0 | 6 |
| Appointment/Admissions (delay/cancellation/waiting lists) | 4 | 0 | 0 | 0 | 4 |
| Complaints Handling | 3 | 0 | 0 | 0 | 3 |
| Policy/Administration | 0 | 0 | 1 | 0 | 1 |
| Nurses/Nursing Care | 1 | 0 | 0 | 0 | 1 |
| Lists (incl difficulty registering and removal from lists) | 0 | 0 | 1 | 0 | 1 |
| Record Keeping | 0 | 0 | 0 | 0 | 0 |
| Other | 0 | 0 | 0 | 0 | 0 |
| Admission/discharge/transfer procedures | 0 | 0 | 0 | 0 | 0 |
| Failure to send ambulance | 0 | 0 | 0 | 0 | 0 |
| Appliances/equipment/premises | 0 | 0 | 0 | 0 | 0 |
| Continuing care | 0 | 0 | 0 | 0 | 0 |
| Subject unknown | 2 | 0 | 0 | 0 | 2 |
| Total | 74 | 1 | 0 | 1 | 92 |

Table 2 - Complaints by outcome 2016/17

| Stage | Outcome | Ayrshire and Arran NHS Board | GP and GP Practices | Pharmacists & Pharmacy Services | Total | |
|----------------------------|--|-------------------------------------|----------------------------|--|--------------|----|
| Advice | Not duly made or withdrawn | 19 | 0 | 0 | 19 | |
| | Premature | 20 | 2 | 0 | 22 | |
| | Total | 39 | 2 | 0 | 41 | |
| Early Resolution | Not duly made or withdrawn | 3 | 1 | 0 | 4 | |
| | Out of jurisdiction(discretionary) | 2 | 0 | 0 | 2 | |
| | Out of jurisdiction (non discretionary) | 0 | 0 | 0 | 0 | |
| | Outcome not achievable | 2 | 1 | 0 | 3 | |
| | Premature | 3 | 1 | 1 | 5 | |
| | Proportionality | 1 | 2 | 0 | 5 | |
| | Resolved | 0 | 1 | 0 | 1 | |
| | Total | 12 | 6 | 1 | 19 | |
| | Investigation | Fully Upheld | 6 | 0 | 0 | 6 |
| | | Some Upheld | 9 | 2 | 0 | 11 |
| Not Upheld | | 9 | 6 | 0 | 15 | |
| Not duly made or withdrawn | | 0 | 0 | 0 | 2 | |
| Outcome not achievable | | 0 | 0 | 0 | 2 | |
| Total | | 24 | 8 | 0 | 32 | |
| Total Complaints | | 75 | 16 | 1 | 92 | |

3. SPSO Complaints by Outcomes

As demonstrated in Table 2, of the total number of complaints received only 32 (34%) warranted investigation which is a reduction from 45 in 2015-2016. Of these 32, six were fully upheld (18%), with 11 partially upheld. This is down from 25% in 2015-16 and is a good indicator of a more robust, person centred approach to complaints within NHS A&A in the last 18 months.

The Board will also wish to note that of 94 complaints raised with the SPSO regarding NHS A&A, only six (6%) were fully upheld. This is a significant achievement and provides the Board with assurance that our complaint handling processes are fit for purpose.

4. Conclusion

The Annual Report for 2016-17 provided by the SPSO highlights progress made in local complaint handling:

- A reduction in SPSO contacts from 105 in 2015-16 to 94 in 2016-17
- A reduction in fully upheld decisions from 10 (9%) in 2015-16 to 6 (6%) in 2016-17

There is still plenty of room for improvement in a number of aspects of our complaint handling, particularly with regard to meeting the 20 working day response target.

As previously highlighted, we are currently undertaking some redesign work to ensure we continue to improve our complaint handling and promote the value of complaints to a learning organisation. The outputs from this work will be presented to the Healthcare Governance Committee later in the year.

Monitoring Form

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| Policy/Strategy Implications | Effective feedback, comments, concerns and complaints handling supports the delivery of the Healthcare Quality Strategy. |
| Workforce Implications | None |
| Financial Implications | None |
| Consultation (including Professional Committees) | Consultation events and workshops have been held for staff involved in redesign of the process for complaints handling. |
| Risk Assessment | Failure to have in place and to maintain an appropriate feedback, comments, concerns and complaints process could have a significant impact upon NHS A&A's ability to demonstrate that it firmly understands the risks associated with complaints and the requirement for organisational learning. |
| Best Value <ul style="list-style-type: none"> - Vision and leadership - Effective partnerships - Governance and accountability - Use of resources - Performance management | <p>This will support the requirements of the Patient Rights (Feedback, Comments, Concerns and Complaints) (Scotland) Directions 2012.</p> <p>The delivery of an effective process for patient experience including feedback, comments, concerns and complaints will support the Board's commitment to safe, effective and person centred care.</p> |
| Compliance with Corporate Objectives | Create compassionate partnerships between patients, their families and those delivering health and care services which respect individual needs and values; and result in the people using our services having a positive experience of care to get the outcome they expect. |
| Single Outcome Agreement (SOA) | Effective feedback, comments, concerns and complaints handling supports the delivery of the Healthcare Quality Strategy. |
| Impact Assessment Impact assessment not required as this is an internal document. | |

Explanatory note to SPSO statistics 2017 (Extract from SPSO Annual Letter)

The notes below explain how SPSO present statistics.

Statistics

The tables show the complaints we handled about your organisation in 2016/17. **Table 1** shows complaints **received** by main subject area, both about your organisation and overall in your sector, for the past two years. **Table 2** shows the **outcomes** of the complaints we handled about your organisation for the same period. It also highlights the rate of premature and fully/some upheld complaints and overall rates for your sector over the past two years. Complaints received are shown ranked from the most received to the least.

Subjects of complaint and outcomes

Tables 1 and 2 provide statistics for two quite different stages of our work. **Table 1** describes the subjects about which we **received** complaints between 1 April 2016 and 30 March 2017, and shows your organisation's figures beside the figures for the sector as a whole. **Table 2** shows information about the outcomes of the complaints that we **determined** over the same period. The figures of complaints received and determined are unlikely to tally, especially where complaints numbers are relatively large. This is because at the end of each business year we are still working on some of the complaints received during that year.

Frequently asked questions

What are complaints that are 'fit for SPSO'?

These are complaints that we were able to investigate. This normally means that they have gone through the complaints process of your organisation, and are about something that the law allows us to look at.

What do the stage names mean?

- Advice - This is the initial receipt stage where we check if we have enough information, that the complainant has first complained to the relevant organisation, and that the matter is one we are allowed to look at.
- Early Resolution – This is where we confirm that the complaint is mature (ie that it has completed the relevant organisation's complaints process) and is in jurisdiction, and start gathering the information we will need for an investigation. Some cases that could be investigated are closed at this stage if we are able to resolve them with the organisation, or if we consider there would be no significant benefit, or achievable outcome, from a full investigation. Prior to 1 April 2016, this stage was called 'Early Resolution 1'.
- Investigation – This is where we conduct the investigation and reaches a decision on the complaint. This stage includes everything that, prior to 1 April 2016, was referred to as Early Resolution 2, Investigation 1 and Investigation 2.

What does 'determined' mean?

Determined complaints are those that we have looked at and for which we have closed our file. We will have given the person a decision by letter or public report, or will have explained why we didn't investigate their complaint.

What are 'upheld' complaints?

Complaints where the outcome was 'upheld' or 'some upheld' are those where we investigated, and found that something went wrong. To recognise the validity of the

complainant's experience, we uphold complaints wherever we find fault, even if this has already been recognised by the organisation. People come to us for an external, independent judgement and if we find something went wrong it is important for the complainant that we acknowledge this. We also include how the organisation responded to the complaint and any action that they took to put things right. Where an organisation responded well, we may also commend them for acknowledging the mistakes and the action they took to resolve this for the complainant.

All these complaints were 'fit for SPSO', and we gave a decision on them at the investigation stage of our process. Some of this result in us sending you and the complainant a decision letter. We also published a short summary of most of these complaints and their outcomes on our website. Cases that meet our public interest criteria are published in full.

How do you define a premature complaint?

It's a complaint that's been sent to us too early - i.e. before it has completed your complaints process.

What is the reason for the apparent drop in Premature Complaints?

There are a number of reasons for this, including efforts by organisations to improve their own processes, and to communicate more clearly with complainants about when they can refer to SPSO. However, in addition, in April 2016 we changed the way we record telephone contacts where it is clear the caller needed to contact the organisation to progress their complaint before we could take it any further. Previously these would have been recorded as premature complaints at the 'Advice' stage, but now they are recorded as 'enquiries' and we do not record any details about the complainant or the organisation they are complaining about. Any formal complaint submissions, or cases where we need to get more involved, or give more detailed advice are still recorded as premature complaints at the Advice stage.

Would you ever take a complaint before it completes our process?

Yes, but only where we think the circumstances are appropriate. This only happens in a very small number of cases. The most likely examples would be where we think that you have delayed unreasonably in responding, or where the person who's complained appears to be particularly vulnerable. We normally expect people to complete your complaints process to allow you to respond to the matters raised, and we will normally tell them to contact you if they haven't.

I don't seem to know about all of the complaints that you've counted as premature. Why?

There are several possible reasons. We don't write to you about all the premature cases we receive (see the next question for more information about this). In some cases where we refer someone back to the complaints process, you may then resolve the problem to the person's satisfaction without knowing that it came to us first.

Alternatively, the person may, after we've told them they need to go through your process, decide not to take it further. People often bring us issues that are premature, but that are also outwith our jurisdiction, or where they're asking for an outcome we can't achieve.

When we reply, we'll tell them that we're not looking at it because it's premature, but we also explain that even if they go back through your process, it's unlikely we'd take the complaint up for another reason. For example, if they're asking us to change a planning decision or if it's a personnel-related matter we'd explain that we are unable to achieve these outcomes for them, whether or not they went through your process. It's then for the complainant to decide what to do next.

When do you tell us about premature complaints?

We determine many of these very quickly (within one or two days of receiving them). This normally happens where the complaint has clearly come to us too early and there's little or no information with it. We record these on our computer system, but don't open a file. In most cases we simply return the letter explaining that they've sent us the complaint too soon and that they need to complain to you. We don't normally tell you about these, and we usually have only minimal information about the complaint ourselves.

In cases where the person has sent us information, but the complainant doesn't appear to have completed your complaints process, we'll open a paper file. We'd normally then write to you explaining that the matter has come to us too soon, and we've told the person to take the complaint back to you. We then close our file, which we can reopen if the person completes your process and brings the complaint back to us.

Can you provide a more detailed breakdown of the premature complaints for my organisation?

We can provide numbers and general categories of complaints received prematurely. These are broken down into two areas – complaints that do not appear to have been made to you at all, and those that have started but not completed your process. (We don't record which point in your process they've reached, as usually we don't know this.) We can usually identify the department and the subject matter involved, but at this early stage categorisation may not be accurate if there is a lack of detailed information.

The categories of complaints on your letter don't match those in our records - does this mean that our statistics are wrong?

We have our own method of categorising the complaints we receive, which is not based on those of any particular organisation. If you would like an explanation of a particular category, please contact us