

BRIEFING NOTE

TO: Health Scrutiny Sub-Panel
DATE: 17 November 2008

RE: NHS Walsall – Complaints Report for 1 April – 30 June 2008 (Quarter 1) and 1 July – 30 September 2008 (Quarter 2)

Purpose

To provide information regarding complaints received during the period April to June 2008 (quarter 1) and during the period 1 July – 30 September 2008 (Quarter 2).

Summary

All National Health Service organisations must have processes in place to receive, investigate and respond to complaints from patients and other members of the public about health care and health service issues. Complaints also provide us with a valuable indicator of patient experience, and contribute to our understanding of what it feels like to be a patient.

The attached report highlights issues around complaints received within NHS Walsall during quarter 1 and quarter 2.

Recommendations

That, subject to any comments Members may wish to make, the complaints at NHS Walsall be noted.

Author

Nicky Bourne
Corporate Affairs Manager
NHS Walsall
01922 618343
Nicky.Bourne@walsall.nhs.uk

**NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008**

1. Introduction:

- 1.1. This report provides information for the identified period about complaints received by NHS Walsall for formal investigation within the NHS Complaints Procedure.
- 1.2. The Board are asked to note that from 1st April 2008 both Mental Health Services and NHS Walsall Community Health have adopted procedures for reporting complaints about their services to their respective Boards, the minutes of which are copied to the NHS Walsall Board.
- 1.3. Therefore, from 1st April 2008 all NHS Walsall complaints reports will deal exclusively with reporting complaints about NHS Walsall, as well as complaints about Independent Contractor Primary Care Services raised via NHS Walsall.
- 1.4. Primary Care Independent Contractors include General Practitioners (GPs), Dentists, Pharmacists and Opticians. All independent contractors are responsible for the Local Resolution stage in respect of complaints raised about them. A patient who does not wish to deal direct with an Independent Contractor can ask NHS Walsall to facilitate the process, although the responsibility to respond to the complaint remains with the Independent Contractor. It should be borne in mind that complaints which have been dealt with via a direct approach to an Independent Contractor will not be reflected in this report unless the Complaints Department has been directly involved.
- 1.5. Please note that, due to the organisational changes referenced in 1.2, data shown is not directly comparable with earlier reports, and so comparative data has been omitted. This will, however, be re-introduced as the year progresses.

2. Range of Complaint and Concern handling in Quarter One:

- 2.1. Previous reports have only reported data in relation to concerns that have been raised with the Complaints Department as formal complaints, and that subsequently have been investigated and responded to within the NHS Complaints Procedure (ie: complaints that have completed local stage procedures). In order to create a wider contextual picture, for the first time, this report also references data regarding work dealt with by the Complaints Department that relates to customer care and complaints handling, but which has not resulted in a formal complaint. Data to be included will in future include:
 - enquiries requiring formal response – including enquiries from Members of Parliament;
 - potential complaints - which includes complaints raised that have been withdrawn or abandoned prior to completion of the formal procedure;
 - appeals raised in respect of single-patient funding requests;
 - items raised as complaints but referred to alternative procedures.

**NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008**

- 2.2. As can be seen from Appendix A and Appendix B, 28 items were logged for quarter one. Of these, 6 (21%) were about NHS Walsall, 17 (61%) were about GP Services, 4 (14%) were about Dental Services and 1 (4%) was about optician services. Appendix A and B provide a breakdown of MP enquiries, other enquiries, potential complaints and formal complaints.
- 2.3. Appendix C will demonstrate quarter on quarter data for items logged with the Complaints Department, but has been omitted from this report due to a lack of comparative data at the quarter one stage.

3. NHS Walsall Complaints and Concerns:

- 3.1. Six items were logged for quarter one for NHS Walsall and Appendix D shows a breakdown of these by category of complaint. Please note that the number of categories does not always match the number of items logged, as some items may raise more than one issue and so may be logged against multiple categories.
- 3.2. Only two of the items received in quarter one progressed as formal complaints, one about a communications issue (please note – communications issue as a category can relate to any department and does not denote that the complaint is about the Communications Department) and one about access to NHS Walsall premises. These were investigated and responded to within the formal NHS Complaints Procedure and do not appear to have progressed beyond the Local Resolution stage.
- 3.3. Although not progressed through the formal NHS Complaints Procedure, most enquiries and potential complaints raised queries regarding commissioning issues. Such enquiries frequently are routed into the Single-Patient process rather than the Complaints Procedure.
- 3.4. There was 100% compliance in quarter one with the statutory response target for all NHS Walsall complaints to be sent a final response within 25 working days.

4. Independent Contractor Complaints and Concerns:

- 4.1. Appendix E shows a breakdown of items logged for Independent Contractors by category. Similarly, the number of categories does not always match the number of items logged, as some items may raise more than one issue and so may be logged against multiple categories.

NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008

- 4.2. Of 22 items 7 (32%) were about care and treatment/medication/diagnosis issues, which is as would perhaps be expected. However, scrutiny of the data indicates that the complaints ranged across various issues and various Practices across the borough with no apparent trends or patterns arising.
- 4.3. The Complaints Department regularly accesses advice as regards the clinical aspects of complaints from the Medical Director/Associate Medical Director, Dental Advisors and the Head of Medicines Management, particularly in order to assess the risk or seriousness of issues raised within complaints.
- 4.4. There were 7 items raised about attitude of staff, both administrative staff and medical staff, which indicates that as many complaints are received about staff attitude as about the actual care that patients are receiving. Again, there were no obvious trends following scrutiny of complaints on a Practice by Practice basis.

5. Conciliation:

- 5.1. Where a complainant is not satisfied with the response that they have received to their complaint at the Local Resolution stage, then in many cases conciliation will be offered.
- 5.2. During the period, just 1 complainant requested conciliation in relation to a GP complaint about care and treatment. The conciliation has not been successful in resolving the complainant's concerns, although at present further discussions are taking place to see whether it is possible to resolve the complainant's complaint at the Local Resolution stage.
- 5.3. Complainants who choose conciliation reserve the right to approach the Healthcare Commission in the event that they remain dissatisfied following conciliation.

6. Healthcare Commission:

- 6.1. The Independent Review stage of the NHS Complaints Procedure rests with the Healthcare Commission (HCC). All complainants who have completed the Local Resolution stage of the NHS Complaints Procedure are entitled to approach the HCC to request an Independent Review of their complaint should they remain dissatisfied.
- 6.2. During quarter one the HCC notified NHS Walsall of 1 request for Independent Review, in relation to an Independent Contractor complaint. This complaint had not been raised via NHS Walsall as the complainant had dealt direct with the Practice, and so the complaint will not be reflected within our data. The matter remains with the HCC.

**NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008**

7. *Learning and Service Developments introduced in response to complaints:*

- 7.1. NHS Walsall adopts the view that in managing complaints investigating managers should always consider whether the complaint highlights the possibility of learning and service improvement.
- 7.2. Obviously many complaints are highly individual and range across a variety of different issues. Many responses are used to provide greater explanation to patients, and may highlight general improvements that the service will seek to implement, such as staff training, or updating policies and procedures. Many GP Practices are pro-active as regards inviting complainants to meet with them to discuss and resolve concerns, which often creates the opportunity to explain clinical decisions or address concerns about communication or staff attitude in a more personal way.
- 7.3. During this quarter specific actions put in place in response to complaints have included:
 - Checks and adjustments to automatic doors at NHS Walsall premises;
 - Discussions with acute trusts about exploration of commissioning arrangements for specified treatments in response to patient enquiries;
 - Referral of complaints into Single-Patient Funding processes to ensure that patient individual circumstances can be properly considered within the appropriate systems.

8. *Compliments*

- 8.1. NHS Walsall rarely receives formal compliments as the majority of compliments previously reported to the Board were in connection with the Provider Arm of the Primary Care Trust, and so these will now be reported within the Provider Services Complaints Report. Therefore, this section will in future be included on an exception only basis.

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter One: 1st April – 30th June 2008

Appendix A

Table to show items of complaints work received during quarter one

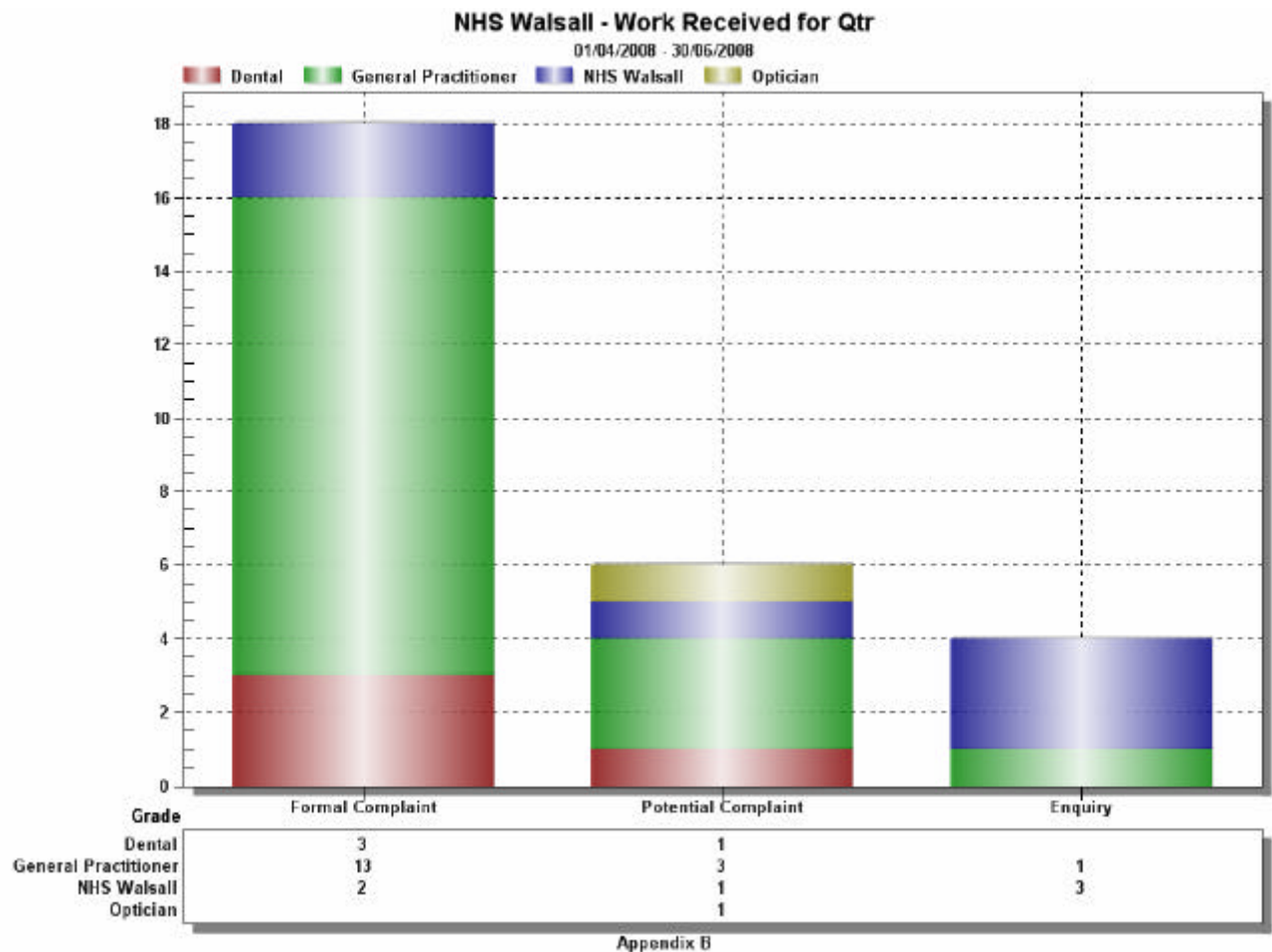
Item	Quarter 1
<i>NHS Walsall Complaints</i>	
<ul style="list-style-type: none"> • MP Enquiry • Other Enquiry • Potential Complaints • Formal 	2 1 1 2
TOTAL	6
<i>General Practitioner Complaints</i>	
<ul style="list-style-type: none"> • MP Enquiry • Other Enquiry • Potential Complaints • Formal 	1 0 3 13
TOTAL	17
<i>Dental Complaints</i>	
<ul style="list-style-type: none"> • MP Enquiry • Other Enquiry • Potential Complaints • Formal 	0 0 1 3
TOTAL	4
<i>Optician Complaints</i>	
<ul style="list-style-type: none"> • MP Enquiry • Other Enquiry • Potential Complaints • Formal 	0 0 1 0
TOTAL	1
<i>Pharmacy Complaints</i>	
<ul style="list-style-type: none"> • MP Enquiry • Other Enquiry • Potential Complaints • Formal 	0 0 0 0
TOTAL	0
<i>Single Patient Funding Appeal Requests</i>	0
TOTAL	28

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter One: 1st April – 30th June 2008

Appendix B

Chart to show complaints-related work received within NHS Walsall (about NHS Walsall or primary care independent contractors) during quarter one



**NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008**

Appendix C

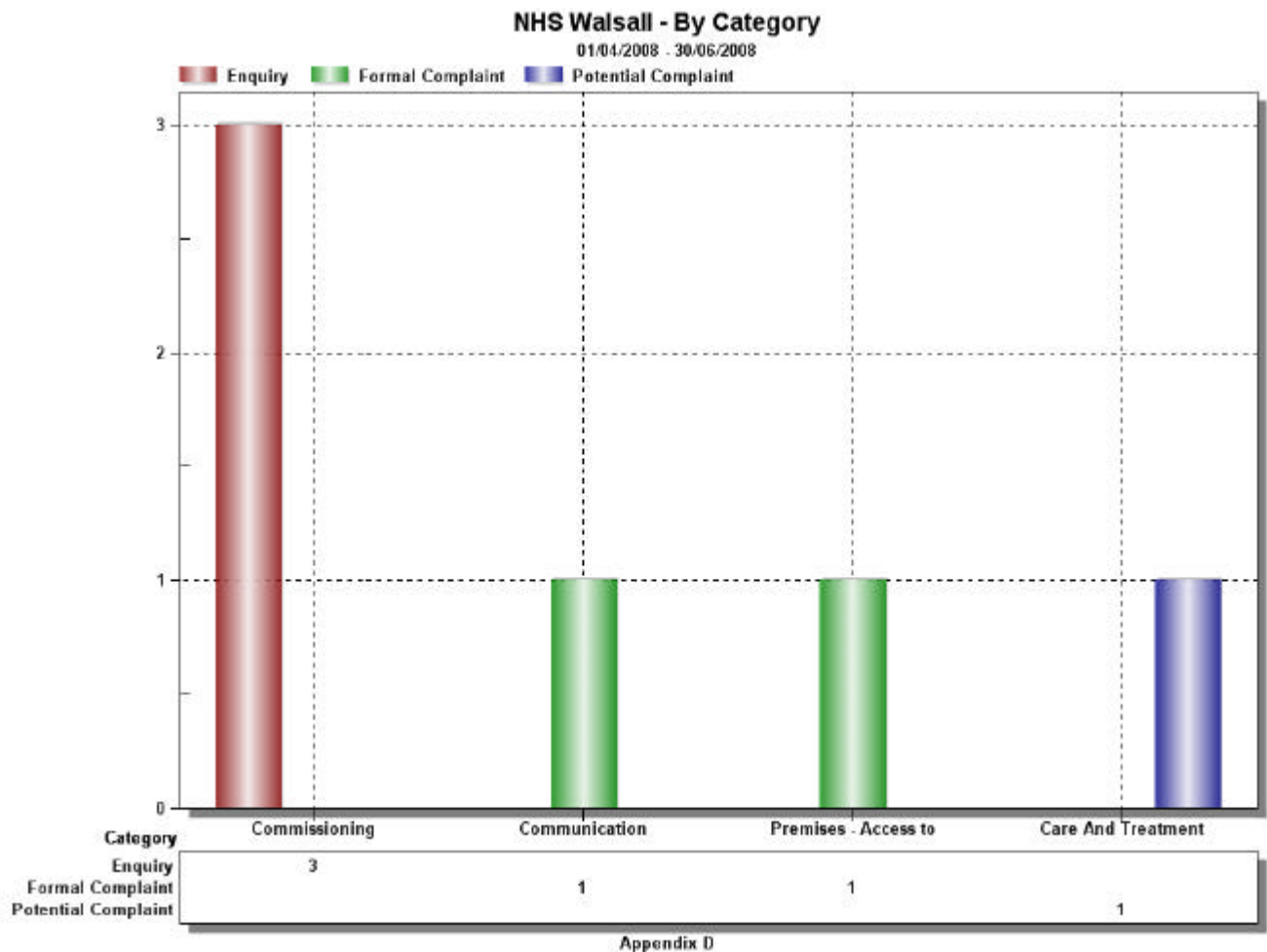
Appendix C will demonstrate quarter on quarter data for items logged with the Complaints Department, but has been omitted from this report due to a lack of comparative data at the quarter 1 stage.

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter One: 1st April – 30th June 2008

Appendix D

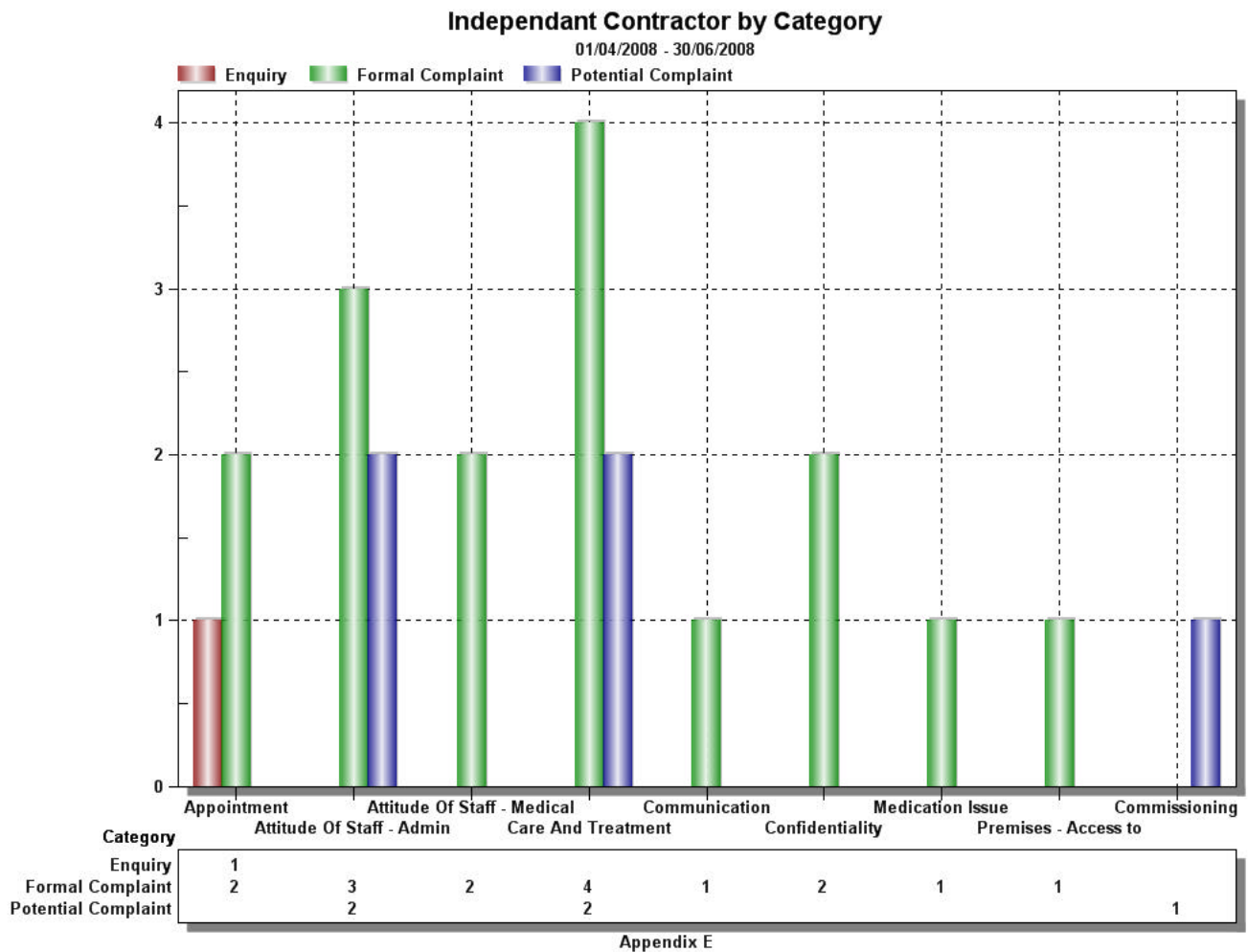
Chart to show complaints-related work received about NHS Walsall during quarter one, by category



**NHS Complaints Procedure – Report to the Board
2008/09 Quarter One: 1st April – 30th June 2008**

Appendix E

Chart to show complaints-related work received about Independent Contractors during quarter one, by category



**NHS Complaints Procedure – Report to the Board
2008/09 Quarter Two: 1st July – 30th September 2008**

1. Introduction:

- 1.1. This report provides information for the identified period about complaints received by NHS Walsall for formal investigation within the NHS Complaints Procedure.
- 1.2. The Board are asked to note that since 1st April 2008 all NHS Walsall complaints reports deal exclusively with reporting complaints about NHS Walsall only, as well as complaints about Independent Contractor Primary Care Services raised via NHS Walsall.
- 1.3. Primary Care Independent Contractors include General Practitioners (GPs), Dentists, Pharmacists and Opticians. All independent contractors are responsible for the Local Resolution stage in respect of complaints raised about them. A patient who does not wish to deal direct with an Independent Contractor can ask NHS Walsall to facilitate the process, although the responsibility to respond to the complaint remains with the Independent Contractor. It should be borne in mind that complaints which have been dealt with via a direct approach to an Independent Contractor will not be reflected in this report unless the Complaints Department has been directly involved.

2. Range of Complaint and Concern handling in Quarter Two:

- 2.1. In addition to formal complaints the NHS Walsall Complaints Department now report data regarding work dealt with by the Complaints Department that relates to customer care and complaints handling, including enquiries requiring formal response, such as those from Members of Parliament, potential complaints, including complaints that have been withdrawn or abandoned prior to completion of the formal procedure, appeals raised in respect of single-patient funding requests and items raised as complaints but referred to alternative procedures.
- 2.2. As can be seen from Appendix A, 49 items were logged for quarter two. This compares to 28 items in quarter one, which represents a 75% increase (or an increase of 21 items). It is difficult to comment on whether there is any statistical significance in this increase, as reports for the previous year did not include figures for potential complaints, enquiries or single patient funding requests, and so it is difficult to gain a comparison over a longer length of time. There is no doubt that the Complaints Department did note that quarter two was a particularly busy time. However, we feel that the extent of the increase may also be partly attributable to better use of the data systems, with information about enquiries and potential complaints being logged more systematically than was previously the case. The number of formal complaints appears to be broadly in line with previous data for 2007/08.

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

- 2.3. Of the items logged in quarter two, 13 (27%) were about NHS Walsall, 28 (57%) were about GP Services and 4 (8%) were about Dental Services, 1 (2%) was about optician services and 2 (4%) were about Pharmacy Services. There was also 1 Single Patient Funding request. Appendix A and B provide a breakdown of MP enquiries, other enquiries, potential complaints and formal complaints.
- 2.4. Appendix C compares data relating to the number of items received in quarter one against the number of items received in quarter two.

3. NHS Walsall Complaints and Concerns:

- 3.1. Thirteen items were logged for quarter two for NHS Walsall and Appendix D shows a breakdown of these by category of complaint. Please note that the number of categories does not always match the number of items logged, as some items may raise more than one issue and so may be logged against multiple categories.
- 3.2. Eight of the items received in quarter two progressed as formal complaints, and although most fell within the categories of communications or commissioning concerns, the substance of the complaints raised were different with no trends or patterns arising. One complaint expressed concerns about car parking facilities. All formal complaints were investigated and responded to within the formal NHS Complaints Procedure and most appear not to have progressed beyond the Local Resolution stage, although complainants have two months to request conciliation and six months to approach the Healthcare Commission, which means some of these complainants may yet progress to second stage.
- 3.3. There was 100% compliance in quarter two with the statutory response target for all formal NHS Walsall complaints to be sent a final response within 25 working days.

4. Independent Contractor Complaints and Concerns:

- 4.1. Appendix E shows a breakdown of items logged for Independent Contractors by category. Similarly, the number of categories does not always match the number of items logged, as some items may raise more than one issue and so may be logged against multiple categories.
- 4.2. Of 35 items raised about independent contractors 26 (74%) were about care and treatment/medication/diagnosis issues, which is as would perhaps be expected. However, scrutiny of the data indicates that the complaints ranged across various issues and various Practices across the borough with no apparent trends or patterns arising.

**NHS Complaints Procedure – Report to the Board
2008/09 Quarter Two: 1st July – 30th September 2008**

- 4.3. The Complaints Department regularly accesses advice as regards the clinical aspects of complaints from the Medical Director/Associate Medical Director, Dental Advisors and the Head of Medicines Management, particularly in order to assess the risk or seriousness of issues raised within complaints.
- 4.4. There were 5 items (14%) raised about attitude of staff, both administrative staff and clinical staff, but again, there were no obvious trends following scrutiny of complaints on a Practice by Practice basis. Of these complaints, one was transferred to the Associate Medical Director for Primary Care for investigation within procedures outside of the NHS Complaints Procedure. In addition two further concerns about staff attitude were investigated as formal complaints.

5. Conciliation:

- 5.1. Where a complainant is not satisfied with the response that they have received to their complaint at the Local Resolution stage, then in many cases conciliation will be offered. Complainants who choose conciliation reserve the right to approach the Healthcare Commission in the event that they remain dissatisfied following conciliation. During the period no complainants requested conciliation.

6. Healthcare Commission:

- 6.1. The Independent Review stage of the NHS Complaints Procedure rests with the Healthcare Commission (HCC). All complainants who have completed the Local Resolution stage of the NHS Complaints Procedure are entitled to approach the HCC to request an Independent Review of their complaint should they remain dissatisfied.
- 6.2. During quarter two the HCC notified NHS Walsall of 1 request for Independent Review, in relation to a GP complaint which alleged that a possible breach of patient confidentiality had taken place. The HCC have completed their investigations and have not upheld the complaint. Of course, the complainant is entitled to approach the Parliamentary and Health Service Ombudsman should the complainant remain dissatisfied.

7. Learning and Service Developments introduced in response to complaints:

- 7.1. NHS Walsall adopts the view that in managing complaints investigating managers should always consider whether the complaint highlights the possibility of learning and service improvement. In response to one complaint NHS Walsall has investigated and introduced changes to access to one of our premises for disabled persons as well as making reasonable adjustments to the premises infrastructure.

**NHS Complaints Procedure – Report to the Board
2008/09 Quarter Two: 1st July – 30th September 2008**

- 7.2. Obviously many complaints are highly individual and range across a variety of different issues. Many responses are used to provide greater explanation to patients, and may highlight general improvements that the service will seek to implement, such as staff training, or updating policies and procedures. One Practice arranged a meeting with all Practice staff to ensure that everyone was aware of correct procedures to follow once a patient had been removed from the list should they attend to seek medical attention before having registered elsewhere.
- 7.3. Many GP Practices are pro-active as regards inviting complainants to meet with them to discuss and resolve concerns, which often creates the opportunity to explain clinical decisions or address concerns about communication or staff attitude in a more personal way.

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

Appendix A

Table to show items of complaints work received during quarters one and two

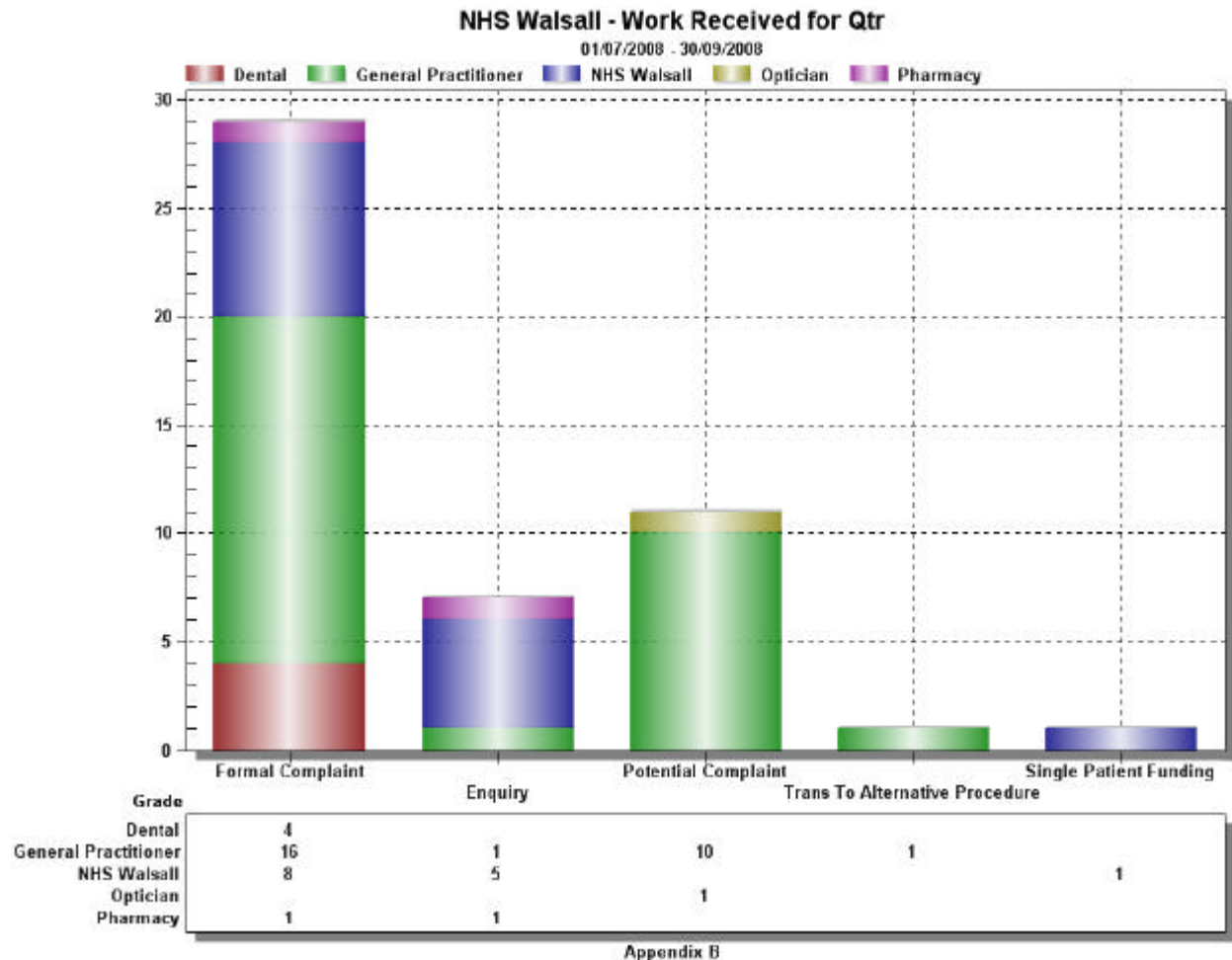
Item	Quarter 1	Quarter 2
<i>NHS Walsall Complaints</i>		
• MP Enquiry	2	3
• Other Enquiry	1	2
• Potential Complaints	1	0
• Formal	2	8
TOTAL	6	13
<i>General Practitioner Complaints</i>		
• MP Enquiry	1	1
• Other Enquiry	0	0
• Potential Complaints	3	10
• Formal	13	16
• Transferred to alternative procedures	0	1
TOTAL	17	28
<i>Dental Complaints</i>		
• MP Enquiry	0	0
• Other Enquiry	0	0
• Potential Complaints	1	0
• Formal	3	4
TOTAL	4	4
<i>Optician Complaints</i>		
• MP Enquiry	0	0
• Other Enquiry	0	0
• Potential Complaints	1	1
• Formal	0	0
TOTAL	1	1
<i>Pharmacy Complaints</i>		
• MP Enquiry	0	0
• Other Enquiry	0	1
• Potential Complaints	0	0
• Formal	0	1
TOTAL	0	2
<i>Single Patient Funding Appeal Requests</i>	0	1
TOTAL	28	49
Quarter-on-quarter % change		+75%

NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

Appendix B

Chart to show complaints-related work received within NHS Walsall (about NHS Walsall or primary care independent contractors) during quarter two

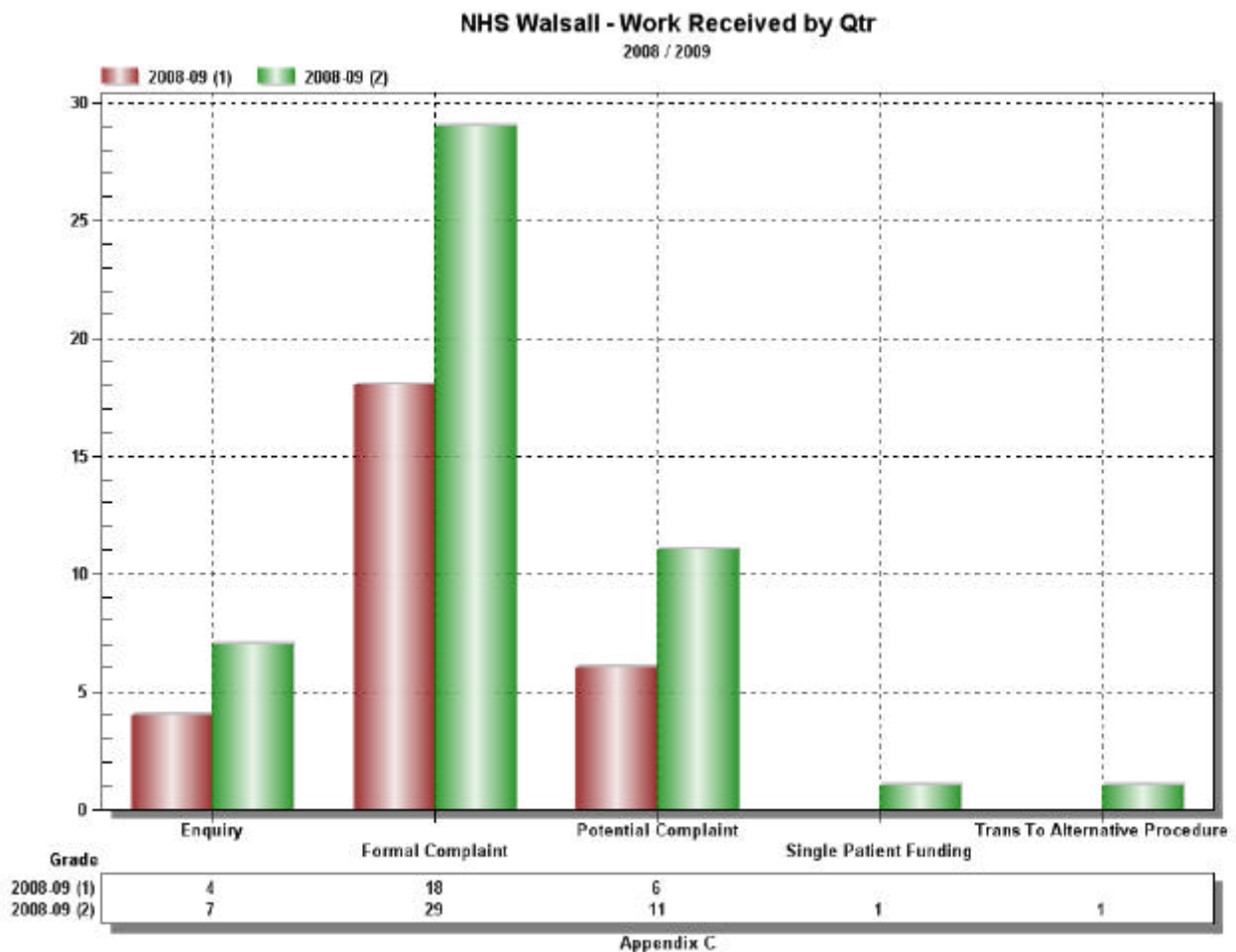


NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

Appendix C

Chart to show complaints-related work received within NHS Walsall (about NHS Walsall or primary care independent contractors) during quarters one and two

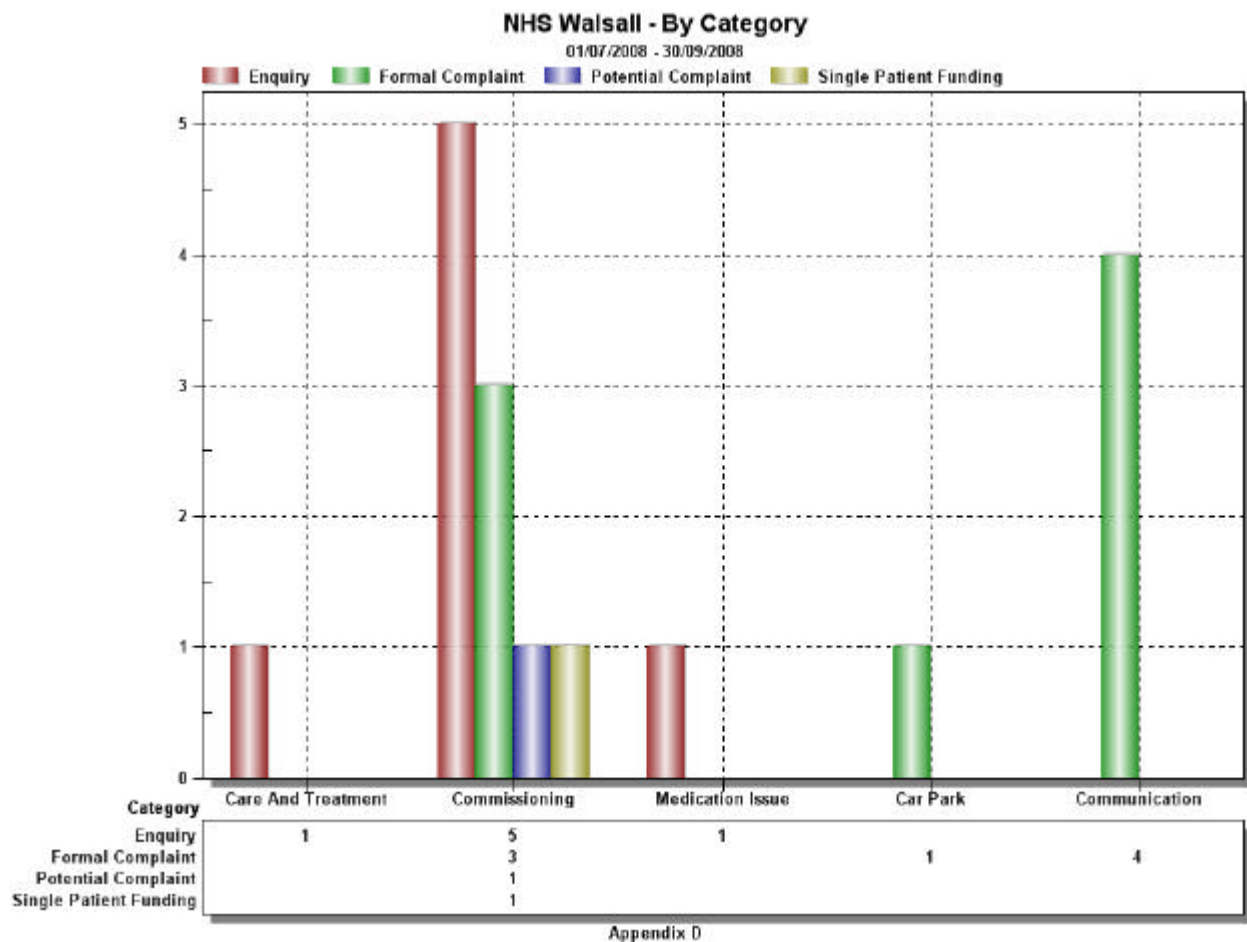


NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

Appendix D

Chart to show complaints-related work received about NHS Walsall during quarter two, by category



NHS WALSALL

NHS Complaints Procedure – Report to the Board 2008/09 Quarter Two: 1st July – 30th September 2008

Appendix E

Chart to show complaints-related work received about Independent Contractors during quarter two, by category

