

Name of Meeting	Governing Body	Meeting Date	23 July 2020
Title of Report	Complaints Annual Report: 2019/20	Agenda Item No.	6
Report Author	Janet Smart – Complaints Manager	Public / Private Item	Public
GB / Clinical Lead	Dr Farrukh Javid	Responsible Officer	Penny Woodhead – Chief Quality and Nursing Officer

Executive Summary							
Please include a brief summary of the purpose of the report	<p>NHS Calderdale CCG aims to commission high quality services, but occasionally things can go wrong. When they do, it seeks to put them right and learn from the experience to improve services. Complaints are one way of receiving individual perspectives of the service provided and through the outcome of the investigation, areas for improvement identified.</p> <p>This report sets out the position for 2019/20 and details the complaints received broken down by provider, category, level and response timeframe.</p>						
Previous consideration	Name of meeting	Quality, Finance and Performance Committee	Meeting Date	25 June 2020			
Recommendation (s)	<p>It is recommended that the Governing Body notes the:</p> <p>i) Complaints received about services commissioned by Calderdale CCG during 2019/20</p> <p>ii) Categorisation by provider, category, level and response timeframe.</p>						
Decision	<input checked="" type="checkbox"/>	Assurance	<input type="checkbox"/>	Discussion	<input type="checkbox"/>	Other	Click here to enter text.

Implications			
Quality & Safety implications (including Equality & Diversity considerations e.g. EqIA)	None identified.		
Public / Patient / Other Engagement	No implications from this report, however consideration of the annual report and key themes emerging from complaints are an important part of patients' experience.		
Resources / Finance implications (including Staffing/Workforce considerations)	None identified.		
Strategic Objectives (which of the CCG objectives does this relate to – delete as applicable)	<ul style="list-style-type: none"> ▪ Improving quality ▪ Improving value 	Risk (include link to risks)	None identified.
Legal / Constitutional Implications	The Local Authority Social Services and National Health Service	Conflicts of Interest (include detail of any identified/potential)	None identified.

	<p>Complaints (England) Regulations 2009 (the Regulations) require all Clinical Commissioning Groups (CCGs) to provide an annual report regarding complaint activity information. This should include the number and nature of complaints and identify the lessons learned</p>	<p>conflicts)</p>	
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ANNUAL COMPLAINTS REPORT:

1 April 2019 – 31 March 2020

1.0 Purpose of Report

- 1.1 The Local Authority, Social Services and National Health Service Complaints (England) Regulations 2009 (the Regulations) require all Clinical Commissioning Groups (CCGs) to provide an annual report regarding complaint activity information. This includes the number and nature of complaints and identifies the lessons learned.
- 1.2 This is complemented by an additional report to Calderdale CCG's Quality Committee at the six month point of the year, outlining complaint, concerns and enquiries activity information.
- 1.3 This report outlines the complaints received by Calderdale CCG between 1 April 2019 and 31 March 2020. This data outlining the total number of complaints received has been compared in the first table for the previous four years.
- 1.4 In accordance with Yorkshire Audit recommendations made in 2018, the complaints, concerns and enquiries received in 2019/20 have been compared against those received in 2017/18 and 2018/19.

COMPLAINTS

Total number of complaints received by Calderdale CCG

Year	Number received
2015/16	54
2016/17	132
2017/18	152
2018/19	138
2019/20	208

Complaints – Calderdale CCG

	2017/18	2018/19	2019/20
Complaints received	152	138	208
Complaints investigated by Calderdale CCG:	52 (34%)	47 (34%)	39 (19%)
CCG related	26 (17%)	39 (83%)	31 (79%)
Related to other providers	26 (17%)	8 (17%)	8 (21%)
Calderdale CCG responses within deadline:			
Yes	22 (42%)	34 (72%)	23 (59%)
No	24 (46%)	11 (23%)	7 (18%)
Still Open/On Hold	6 (6%)	2 (5%)	9 (33%)
Level (section 4 provides a definition of the levels).	78 (52%) - Level 1 50 (33%) - Level 2 22 (14%) - Level 3 2 (1%) - Level 4	90 (65%) - Level 1 37 (27%) - Level 2 10 (7%) - Level 3 1 (1%) - Level 4	169 (81%) - Level 1 33 (16%) - Level 2 4 (2%) - Level 3 2 (1%) - Level 4

2.0 Number of complaints investigated

2.1 Of the 208 complaints received by Calderdale CCG in 2019/20, not all were investigated by the CCG. This is for a number of reasons – most commonly because they did not fall within the remit of the Calderdale CCG and were passed to another organisation to investigate.

Initial Response	2017/18	2018/19	2019/20
Investigated by Calderdale CCG	52	47	39
Passed to another organisation for investigation and to respond directly to the complainant:			
- Bradford Districts CCG	2	-	-
- Calderdale & Huddersfield NHS Foundation Trust	32	27	50
- Calderdale Council	1	2	2
- Greater Huddersfield CCG	7	-	2
- Locala Dental Service	-	-	6
- Insight Healthcare	-	1	-
- North Kirklees CCG	1	1	1
- NHS 111	4	2	2
- Opcare (<i>now Rosscare with effect from 1 October 2019</i>)	-	2	10
- Primary Care/NHS England	26	33	38

- South West Yorkshire Partnership Foundation Trust	8	5	7
- Yorkshire Ambulance Service	-	5	2
- Other	19	2	9
Enquiry handled by complaints team	-	-	15
Acting as third party to review	-	5	8
For information only	-	3	-
Referred to Healthwatch	-	-	4
Closed due to lack of consent	-	2	5
On hold	-	1	8
TOTAL	152	138	208

3.0 Number of complaints by provider

- 3.1 Of the 39 complaints received and investigated by the Calderdale CCG during 2019/20 as Level 2, Level 3 and Level 4 complaints, 31 (shown in the table below) related directly to the Calderdale CCG. This means 8 of the complaints investigated by Calderdale CCG involved other providers.
- 3.2 Complainants can choose to complain directly to the provider of an NHS service or the commissioner of that service. Where a complaint is received, the complainant is informed of this option and given advice to facilitate their choice.
- 3.3 Calderdale CCG is always sensitive to a complainant's needs and endeavours to avoid complainants being passed unnecessarily through numerous organisations. In cases where complaints are complex and involve a number of different organisations, the CCG is well placed to co-ordinate a response to a complainant. However, in many instances, a complainant's concerns can be best addressed directly by the provider organisation without the Calderdale CCG acting as an intermediary.

Provider	2017/18	2018/19	2019/20
Calderdale CCG	26	39	31
Calderdale & Huddersfield NHS Foundation Trust	7	1	-
Insight Healthcare	1	-	-
NHS 111	1	-	-
Leeds Teaching Hospitals NHS Trust	1	1	-
Opcare (now Rosscare with effect from 1 October 2019)	7	2	4
South West Yorkshire Partnership Foundation Trust	5	1	-
Weight Management Service	1	-	-
Multi Providers:			
BMI and GP Surgery	-	-	1
Calderdale CCG and Calderdale Council	1	-	1
Calderdale CCG and Opcare	1	-	-
Calderdale CCG and Calderdale &	-	1	2

Huddersfield NHS Foundation Trust			
Insight Healthcare and South West Yorkshire Partnership Foundation Trust	1	-	-
Yorkshire Ambulance Service, Calderdale & Huddersfield NHS Foundation Trust and South West Yorkshire Partnership Foundation Trust	-	1	-
Calderdale CCG, GP Surgery and Calderdale Council	-	1	-
TOTAL	52	47	39

4.0 Complaints by category

4.1 The 39 complaints received and investigated by Calderdale CCG during 2019/20 can be categorised as shown in the table below:

Category of complaint	2017/18	2018/19	2019/20
Aids, appliances, equipment, eg wheelchairs	7	3	5
Appointments	6	1	3
Attitude of staff	2	1	1
Care and treatment	7	4	4
CAMHS	-	-	1
Choice of provider	-	-	1
Commissioning decisions made by Calderdale CCG:			
Individual Funding Request (IFR)	1	2	2
Access to Infertility Treatment	-	6	5
Communication	-	1	-
Confidentiality	1	2	-
Continuing Healthcare process	15	9	6
Delays in diagnosis	-	1	-
Failure to follow agreed guidelines/ processes	-	-	1
Ear wax removal/irrigation service	-	-	2
Medication related issues			3
Mental Health services	-	-	1
Patient records	-	1	-
Practice management	-	-	1
Prescribing changes	10	9	-
Referrals	1	1	1
Reimbursement of costs	1	1	-
Subject Access Request/Complaint	-	-	1
Transport	-	-	1
Travel expenses	-	1	-
Treatment charges	-	2	-
Waiting times	-	1	-
Weight management	1	1	-
TOTAL	52	47	39

4.2 Of the 39 complaints, 16 fell within the following 3 categories and are broken down below:

Continuing Healthcare Process – 6 complaints

All the 6 complaints related to issues connected with the Calderdale CCG's Continuing Healthcare processes.

Aids, Appliances and Equipment – 5 complaints

4 of the complaints related to the wheelchair service provided formerly by Opcare and by Rosscare since 1 October 2019.

One of the complaints related to the provision of Hearing Aids.

Access to Infertility Treatment – 5 complaints

All the 5 complaints related to issues relating to the Access to Infertility Treatment Policy.

5.0 Complaints by level

5.1 All complaints received by Calderdale CCG are classified into a category level based on guidance within the Calderdale CCG Complaints Policy. The definitions of each level are as follows:

Level 1- Simple complaints

- How to make a complaint
- The correct NHS Trust and services to deal with the complaint
- Appointments

Level 2 – Low/simple, non-complex issues

- Delayed or cancelled appointments
- Event resulting in minor harm e.g. cut or strain
- Loss of property
- Lack of cleanliness
- Transport problems
- Single failure to meet care needs e.g. missed call back
- Medical records missing

Level 3 – Moderate /complex, several issues relating to a short period of care) requiring a written response and investigation by provider

- Event resulting in moderate harm (e.g. fracture)
- Failure to meet care needs
- Miscommunication or misinformation
- Medical errors
- Incorrect treatment
- Staff attitude or communication

Level 4 – High/complex multiple issues relating to a longer period of care, often involving more than one organisation or individual requiring a written response and investigation by provider

- Event resulting in moderate harm (e.g. fracture)
- Event resulting in serious harm (e.g. neglect)
- Failure to meet care needs
- Miscommunication or misinformation
- Medical errors
- Incorrect treatment
- Staff attitude or communication

5.2 The table below shows the classification of complaints received.

Level of complaint	2017/18	2018/19	2019/20
Level 1	78	90	169
Level 2	50	37	33
Level 3	22	10	4
Level 4	2	1	2
Total	152	138	208

5.3 The data indicates the number of Level 1 concerns and enquiries increased significantly during 2019/20. This was partly due to a new concerns and enquiry system implemented by the Complaints Manager with Calderdale CCG's Corporate Team during the year. This is still in its infancy and will be further improved upon during 2020/21.

Level 3 complaints decreased during the year as it was identified that many of these cases could be best addressed directly by the provider organisation without Calderdale CCG acting as an intermediary.

There was a slight increase in Level 4 complaints.

6.0 Complaints by deadline

6.1 The Calderdale CCG standard for complaints investigation, as outlined in the Complaints Policy, is that all complaints received are acknowledged in writing within three working days. Once the appropriate consent is received back from the complainant and areas for investigation are outlined, complainants are advised of the date by which they can expect a response to their complaint.

6.2 The standard timeframe given is 3-5 working days for a Level 1 complaint; 5-10 working dates for a Level 2 complaint and 40 working days for a Level 3 and Level 4 complaint. Complainants are kept updated on progress where it is not possible to meet the initial timeframe deadline and an explanation of the delay is provided.

6.3 The tables below show whether the final response was sent to the complainant within the original agreed timeframe, both overall and by the investigating provider.

Final Response sent within agreed timeframe	2017/18	2018/19	2019/20
Yes	22	34	23
No	24	11	7
Still Open/On Hold	6	2	9
Total	52	47	39

Final Response sent within agreed timeframe by Provider during 2019/20	Yes	No	Still Open/On Hold
Calderdale CCG	17	5	9
Opcare/Rosscare	3	1	-
Multi agency: Calderdale CCG & Calderdale & Huddersfield NHS Foundation Trust	2	-	-
Multi agency: Calderdale CCG and Calderdale Council	1	-	-
Multi agency: BMI & GP Surgery	-	1	-
Total	23	7	9

6.4 In 2019/20 Calderdale CCG saw an improvement in complaints being responded to within deadline. This was partly due to changes made to the complaint handling timescales and sign off process in the latter part of 2018.

6.5 In the 6 instances where Calderdale CCG did not send the response to the complainant within the agreed timeframe this was due to the following reasons:

- Two of the delays were due to the cases being more complex than initially thought.
- One was due to the workload of the investigator
- One was due to staff absence
- One was due to the involvement of a solicitor
- One was due to the time NHS England took to provide the CCG's investigator with information.

6.6 The one multi-provider complaint response was not sent within the agreed timeframe due to the time a provider had taken to provide Calderdale CCG with their investigation comments.

6.7 In all the 7 cases, the complainant was contacted prior to the agreed response date to advise that the complaint was still underway. They were also provided with an explanation why this was the case.

7.0 Pause of the NHS Complaints Process

7.1 On Friday, 27 March 2020 Calderdale CCG received information from NHS England and NHS Improvement that they were supporting a system wide pause of the NHS complaints process so that health care providers in all sectors (including

Calderdale CCG) could concentrate on providing front-line duties and responsiveness to COVID-19.

7.2 The Complaints Manager contacted all the relevant stakeholders, such as local MPs and Healthwatch to inform them about the pause. Information was also placed on our website and email systems.

7.3 All the 9 complainants awaiting a response to a complaint were notified that the investigation is on hold.

7.4 All new complaints were acknowledged and appropriately logged.

7.5 Open channels of communication were maintained with patients and the public.

8.0 Parliamentary and Health Service Ombudsman

8.1 Any complainant who remains dissatisfied with the Calderdale CCG's handling of their complaint has the right to contact the Parliamentary and Health Service Ombudsman (PHSO). Information on how to do this is provided to all complainants as part of the CCG's response to each complaint.

8.2 During the early part of Quarter 1 of 2019/20, Calderdale CCG was notified that the PHSO intended to investigate a complaint handled by Calderdale CCG during 2017/18.

8.3 Calderdale CCG fully complied with providing the PHSO with the information they requested and implemented the recommended actions.

8.4 During Quarter 3 of 2019/20, the PHSO caseworker contacted Calderdale CCG and confirmed that the detail provided in the action plan directly addressed the actions recommended by the PHSO. The action plan is being overseen by the Senior Management Team (SMT).

9.0 Learning from complaints

9.1 Calderdale CCG is committed to learning from complaints and wherever possible complaint responses include a section which highlights the learning from the complaint and how this will be shared or used in the future. This has been demonstrated by, for example, the CHC team who have continued to make changes to their processes as a result of complaints received about their service.

10.0 Provider and GP Practice Assurance on Complaints Handling

10.1 Assurance on how our main providers; Calderdale & Huddersfield NHS Foundation Trust, South West Yorkshire Partnership Foundation Trust and NHS111, manage complaints is provided in the Quality and Safety dashboard which is presented to the Quality, Finance and Performance Committee. It should be noted that providers are facing challenges in responding within timeframe, there are a number of reasons for this and Committees are updated on the actions being taken.

10.2 Assurance on GP practice complaints handling remains a function of NHS England, however, practices are required to complete an annual return providing NHS England with numbers and subject matter of complaints. Calderdale CCG receives feedback on submissions. However, at the end of Quarter 2 of 2019/20, due to a system change in NHS England, it was not possible for them to provide Calderdale CCG with details of the number of practices who completed the submission in this report. At the end of Quarter 4 Calderdale CCG was informed that the annual data collection from GP Practices had been suspended due to the COVID-19 pandemic. An update will be provided to the Quality Finance and Performance Committee in the 2020/21.