

<b>Name of Meeting</b>	Governing Body	<b>Meeting Date</b>	29 July 2021
<b>Title of Report</b>	<b>Complaints Annual Report 2020 - 2021</b>	<b>Agenda Item No.</b>	7
<b>Report Author</b>	Janet Smart, Complaints Manager	<b>Public / Private Item</b>	Public
<b>Clinical Lead</b>	Dr Farrukh Javid, GP GB Member	<b>Responsible Officer</b>	Penny Woodhead, Chief Quality and Nursing Officer

### Executive Summary

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.

This report sets out the position for 2020 and 2021 and details the complaints activity information during the year.

### Previous Considerations

<b>Name of meeting</b>	None	<b>Meeting Date</b>	None
<b>Name of meeting</b>	None	<b>Meeting Date</b>	None

### Recommendations

It is recommended that the Governing Body notes the complaint activity regarding services commissioned by NHS Calderdale CCG during 2020 and 2021.

<b>Decision</b> <input type="checkbox"/>	<b>Assurance</b> <input checked="" type="checkbox"/>	<b>Discussion</b> <input type="checkbox"/>	<b>Other:</b>
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### Implications

<b>Quality and Safety implications (including whether a quality impact assessment has been completed)</b>	None identified.
<b>Engagement and Equality Implications (including whether an equality impact assessment has been completed), and health inequalities considerations</b>	None identified. However, consideration of the Annual Complaints Report and key themes emerging from complaints are an important part of patients' experience.
<b>Resources / Financial Implications (including Staffing/Workforce considerations)</b>	None identified.

<b>Sustainability Implications</b>	None identified.
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<b>Has a Data Protection Impact Assessment (DPIA) been completed?</b>	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
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<b>Strategic Objectives (which of the CCG objectives does this relate to?)</b>	Improving Quality Improving Value	<b>Risk (include risk number and a brief description of the risk)</b>	None identified.
<b>Legal / CCG Constitutional Implications</b>	The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require all Clinical Commissioning Groups (CCGs) to provide an annual report regarding complaint activity information.	<b>Conflicts of Interest (include detail of any identified / potential conflicts)</b>	None identified.

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## 1. Introduction

- 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 NHS Calderdale CCG's Quality, Finance and Performance 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 NHS Calderdale CCG between 1 April 2020 and 31 March 2021. 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 2020 / 21 have been compared against those received in the previous two years i.e. 2018 / 19 and 2019 / 20.

# COMPLAINTS

## Total Number of Complaints Received by NHS Calderdale CCG

Year	Number received
2015 / 16	54
2016 / 17	132
2017 / 18	152
2018 / 19	138
2019 / 20	208
2020 / 21	176

## Complaints – NHS Calderdale CCG

	2018 / 19	2019 / 20	2020 / 21
Complaints received	138	208	176
Complaints investigated by NHS Calderdale CCG:	47 (34%)	39 (19%)	73 (41.5%)
CCG related	39 (83%)	31 (79%)	68 (93%)
Related to other providers	8 (17%)	8 (21%)	5 (7%)
NHS Calderdale CCG responses within deadline:			
Yes	34 (72%)	23 (59%)	65 (89%)
No	11 (23%)	7 (18%)	6 (8%)
Still Open/On Hold	2 (5%)	9 (33%)	2 (3%)
Level (section 4 provides a definition of the levels).	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	115 (65%) – Level 1 56 (32%) – Level 2 5 (3%) – Level 3 0 (0%) – Level 4

## 2. Detail

### 2.1 Number of Complaints Investigated

Of the 176 complaints received by NHS Calderdale CCG in 2020/21, not all were investigated by the CCG. This was for several reasons – most commonly because they did not fall within the remit of NHS Calderdale CCG and were passed to another organisation to investigate.

Initial Response	2018 / 19	2019 / 20	2020 / 21
Investigated by NHS Calderdale CCG	47	39	73
Passed to another organisation for investigation and to respond directly to the complainant:			
- NHS Bradford Districts CCG	-	-	1
- Calderdale & Huddersfield NHS Foundation Trust	27	50	28
- Calderdale Council	2	2	2
- NHS Greater Huddersfield CCG	-	2	1
- Locala	-	6	-
- Local Care Direct	-	-	3
- Insight Healthcare	1	-	-
- NHS North Kirklees CCG	1	1	1
- NHS 111	2	2	-

- Opcare	2	10	-
- Primary Care/NHS England	33	38	19
- South West Yorkshire Partnership Foundation Trust	5	7	2
- Yorkshire Ambulance Service	5	2	-
- Other	2	9	4
Enquiry handled by corporate team	-	15	26
Acting as third party to review	5	8	4
For information only	3	-	1
Referred to CHC Operations Manager	1	4	2
Referred to CCG Covid Vaccination Team	-	-	5
Referred to Healthwatch	-	4	1
Closed due to lack of consent	2	5	-
On hold	1	8	-
Withdrawn	-	-	3
<b>TOTAL</b>	<b>138</b>	<b>208</b>	<b>176</b>

## 2.2 Number of Complaints by Provider

2.2.1 Of the 73 complaints received and investigated by NHS Calderdale CCG during 2020/21 as Level 2, Level 3 and Level 4 complaints, 68 (shown in the table below) related directly to the CCG. This means 5 of the complaints investigated by NHS Calderdale CCG involved other providers.

2.2.2 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.

2.2.3 NHS 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 several different organisations, the CCG is well placed to co-ordinate a response to a complainant.

2.2.4 However, in many instances, a complainant's concerns can be best addressed directly by the provider organisation without NHS Calderdale CCG acting as an intermediary.

<b>Provider</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
NHS Calderdale CCG	39	31	68
Calderdale & Huddersfield NHS Foundation Trust	1	-	-
Insight Healthcare	-	-	-
NHS 111	-	-	-
Leeds Teaching Hospitals NHS Trust	1	-	-
Opcare	2	4	-
South West Yorkshire Partnership Foundation Trust	1	-	-

Multi Providers:			
BMI and GP Surgery	-	1	-
NHS Calderdale CCG and Calderdale Council	-	1	-
NHS Calderdale CCG and Opicare	-	-	1
NHS Calderdale CCG and Calderdale & Huddersfield NHS Foundation Trust	1	2	-
NHS Calderdale CCG and Spire Healthcare	-	-	1
Calderdale & Huddersfield NHS Foundation Trust and NHS Bradford District and Craven CCG	-	-	1
NHS Calderdale CCG, Calderdale & Huddersfield NHS Foundation Trust and South West Yorkshire Partnership Foundation Trust	-	-	1
Yorkshire Ambulance Service and Calderdale & Huddersfield NHS Foundation Trust	-	-	1
Insight Healthcare and South West Yorkshire Partnership Foundation Trust	-	-	-
Yorkshire Ambulance Service, Calderdale & Huddersfield NHS Foundation Trust and South West Yorkshire Partnership Foundation Trust	1	-	-
NHS Calderdale CCG, GP Surgery and Calderdale Council	1	-	-
<b>TOTAL</b>	<b>47</b>	<b>39</b>	<b>73</b>

## 2.3 Complaints by Category

2.3.1 The 73 complaints received and investigated by NHS Calderdale CCG during 2020 / 21 can be categorised as shown in the table below:

Category of complaint	2018 / 19	2019 / 20	2020 / 21
Aids, appliances, equipment, e.g. wheelchairs	3	5	2
Appointments	1	3	1
Attitude of staff	1	1	2
Care and treatment	4	4	3
CAMHS	-	1	2
Choice of provider	-	1	2
Commissioning decisions made by NHS Calderdale CCG:			
Individual Funding Request (IFR)	2	2	1
Access to Infertility Treatment	6	5	1
Communication	1	-	1
Confidentiality	2	-	1
Continuing Healthcare process	9	6	1
Covid vaccination enquiries	-	-	23

Delays in diagnosis	1	-	-
Failure to follow agreed guidelines / processes	-	1	-
Flu Vaccination Enquiries	-	-	6
Ear wax removal / irrigation service	-	2	3
GP / primary care services in Calderdale following national pandemic lockdown	-	-	11
Medication related issues	-	3	4
Mental Health services	-	1	-
Patient records	1	-	-
Practice management	-	1	3
Prescribing changes	9	-	1
Referrals	1	1	3
Reimbursement of costs	1	-	-
Subject Access Request / Complaint	-	1	-
Transport	-	1	1
Travel expenses	1	-	-
Treatment charges	2	-	-
Unprofessional conduct	-	-	1
Waiting times	1	-	-
Weight management	1	-	-
<b>TOTAL</b>	<b>47</b>	<b>39</b>	<b>73</b>

2.3.2 Of the 73 complaints, 34 fell within the following 2 categories and are broken down below:

### **Covid-19 Vaccination Programme – 23 complaints**

All the 23 complaints related to issues connected with the roll out of the Covid-19 vaccination programme in the Calderdale area, such as the timescale surrounding the vaccination of the housebound.

### **GP/primary care services in Calderdale following the national pandemic lockdown – 11 complaints**

All the 11 complaints related to issues connected with the reopening of GP surgeries following the national pandemic lockdown, such as face to face appointments.

## **2.4 Complaints by Level**

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

Level 1- Simple issues

Level 2 – Low / simple, non-complex issues

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



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.

2.4.2 The table below shows the classification of complaints received.

Level of complaint	2018 / 19	2019 / 20	2020 / 21
Level 1	90	169	115
Level 2	37	33	56
Level 3	10	4	5
Level 4	1	2	-
<b>Total</b>	<b>138</b>	<b>208</b>	<b>176</b>

2.4.3 The number of concerns and enquiries decreased significantly during Quarters 1 and 2 of 2020 / 21. This was due to the pause of the NHS Complaints process implemented by NHS England and NHS Improvement between 27 March 2020 and 30 June 2020 so that health care providers in all sectors (including NHS Calderdale CCG) could concentrate on providing front-line duties and responsiveness to Covid-19.

2.4.4 Following the re-opening of the NHS Complaints process on 1 July 2020 the number of concerns and enquiries began to rise. The data indicates the number of Level 2 concerns and enquiries significantly increased by the end of 2020 / 21. This was partly due to the volume of issues received about the roll-out of the Covid-19 vaccination programme in the latter part of the year.

2.4.5 Level 3 complaints remained low during the year as it was identified that many of these cases could be best addressed as Level 2 cases or directly by the provider organisation without NHS Calderdale CCG acting as an intermediary.

2.4.6 No complaints categorised as Level 4 were received during the year.

2.4.7 During Quarter 4 of 2020 / 21 the Complaints Manager helped to develop a process for handling and responding to queries regarding Covid-19 vaccination enquiries. It was agreed that these would be initially screened by the Service Improvement team. Any complaints would continue to be forwarded onto the CCG's complaints team.

## 2.5 Complaints by Deadline

2.5.1 The NHS 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.

2.5.2 The standard timeframe given is 3 - 5 working days for a Level 1 complaint, 5 - 10 working days 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.

2.5.3 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	2018 / 19	2019 / 20	2020 / 21
Yes	34	23	65
No	11	7	5
Still Open / On Hold	2	9	3
<b>Total</b>	<b>47</b>	<b>39</b>	<b>73</b>

Final Response sent within agreed timeframe by Provider during 2020 / 21	Yes	No	Still Open/On Hold
NHS Calderdale CCG	65	5	1
Multi agency: Calderdale CCG and Opcare	-	-	1
Multi agency: Yorkshire Ambulance Service and Calderdale and Huddersfield NHS Foundation Trust	-	-	1
<b>Total</b>	<b>65</b>	<b>5</b>	<b>3</b>

- 2.5.4 Despite many investigators being involved in front-line duties and responsiveness to Covid-19 / the roll out of the vaccination programme, 2020 / 21 continued to see an improvement in complaints being responded to within deadline.
- 2.5.5 The improvement was also due to changes being made to the sign off process following the appointment of the Chief Operating Officer and agreement that they would be responsible for the review and sign off for Level 3 and 4 complaint responses.
- 2.5.6 In the 6 instances where NHS Calderdale CCG did not send the response to the complainant within the agreed timeframe this was due to the following reasons:
- Two were due to the workload of the investigator who was also involved in Covid-19 front-line duties / roll out of the vaccination programme.
  - Two were due to staff illness.
  - One was due to the complexity of the issues raised.
  - One multi-provider complaint response was due to the provider no longer being commissioned by the CCG.
  - Two of the multi-provider cases were not due for response until Quarter 1 of 2021 / 22.
- 2.5.7 Where appropriate, 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.

## 2.6 Pause of the NHS Complaints Process

- 2.6.1 At the end of 2019/20 a system wide pause of the NHS complaints process was implemented so that health care providers in all sectors (including Calderdale CCG) could concentrate on providing front-line duties and responsiveness to COVID-19.
- 2.6.2 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 NHS

Calderdale CCG's website and email systems.

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

2.6.4 All new complaints were acknowledged and appropriately logged.

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

## **2.7 Re-opening of the NHS Complaints Process**

2.7.1 The NHS Complaints process re-opened during on 1 July 2020. Out of the 9 complaints from 2019 / 20 which were open on 1 July 2020, 8 were responded to during the year.

2.7.2 One complaint was withdrawn.

2.7.3 No further pause of the NHS Complaints Process took place during the year. However, on 3 February 2021 NHS England and NHS Improvement acknowledged that NHS providers may take longer than usual to investigate and respond to complaints. This was to allow providers to continue to concentrate on front-line duties and responsiveness to Covid-19 as well as support the roll out of the vaccination programme.

2.7.4 The Complaints Manager will continue to monitor the situation and effect this may have on complaint investigations. An update will be provided in 2021 / 22.

## **2.8 Parliamentary and Health Service Ombudsman**

2.8.1 Any complainant who remains dissatisfied with the NHS 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.

2.8.2 The PHSO has not carried out any full reviews on complaints they received in this period. However, during the early part of 2020/21, the CCG was notified by the Local Government and Social Care Ombudsman (LGSCO) that they had decided to investigate a complaint regarding the care and support provided to a client by Calderdale Council, South West Yorkshire Partnership NHS Foundation Trust (SWYPFT) and Calderdale CCG.

2.8.3 Calderdale CCG fully complied with providing the LGSCO with the information they requested. No outcome of the investigation has yet been received.

2.8.4 The COVID-19 pandemic continues to have a significant impact on the PHSO's workforce and their service. This has been compounded by continuing difficulties in investigating NHS complaints. These escalating pressures have led to people waiting far too long for the PHSO to look at their complaints.

2.8.5 The PHSO will continue to examine all complaints they receive. However, they have notified all NHS organisations (including the CCG) about a change to their service from April 2020 when they will focus on the more serious complaints about health services i.e. those where people may have faced a more significant impact.

- 2.8.6 For other complaints, i.e., those where someone has faced a lesser impact, the PHSO will consider whether there is anything they can do to help resolve things quickly. If not, they will close the complaint.
- 2.8.7 If the PHSO receive a similar complaint about the same organisation, or see a pattern from several complaints, they may raise this with the organisation.
- 2.8.8 The PHSO will continue to liaise with the CCG about these changes and a further update will be provided to the Quality Finance and Performance Committee in 2021 / 22.

## **2.9 The NHS Complaints Standards**

- 2.9.1 In 2020 / 21 the PHSO announced The NHS Complaint Standards (the Standards) which they are intending to launch across the NHS (including NHS Calderdale CCG) in 2021 / 22.
- 2.9.2 The Standards will set out how organisations providing NHS services should approach complaints handling.
- 2.9.3 The Standards aim to support NHS organisations in providing a quicker, simpler and more streamlined complaints handling service, with a strong focus on early resolution by empowered and well-trained staff.
- 2.9.4 The PHSO intend that all NHS organisations and those independent healthcare providers who deliver NHS-funded care will use the same model complaint handling procedure. It will describe how NHS Calderdale CCG should meet the expectations of the NHS Complaint Standards.

## **2.10 Learning from complaints**

- 2.10.1 NHS 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 Covid-19 vaccination programme team who have continued to make changes to the design of the roll-out as a result of feedback received.

## **2.11 Provider and GP Practice Assurance on Complaints Handling**

- 2.11.1 Assurance on how NHS Calderdale CCG's 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 several reasons for this, and Committees are updated on the actions being taken.
- 2.11.2 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. NHS Calderdale CCG usually receives feedback on such submissions but, due to Covid-19, the data collection was suspended

nationally.

- 2.11.3 NHS England have been working on streamlining their data collections and it is expected that these will re-commence shortly. An update will be provided to the Quality Finance and Performance Committee in 2021 / 22.

### **3. Next Steps**

- 3.1 The NHS Complaints Standards referred to in section 2.9 will impact upon the CCG's Complaints Policy as it is intended that the all NHS organisations (and those independent healthcare providers who deliver NHS-funded care) will use the same model complaint handling procedure. The Complaints Manager is attending regular updates with the PHSO's Liaison Managers about the expectations and the draft Standards as they develop.
- 3.2 An update on the NHS Complaints Standards will be provided to the Quality Finance and Performance Committee in 2021 / 22.

### **4. Implications**

None to add.

### **5. Recommendations**

- 5.1 It is recommended that the Governing Body notes for information the complaint activity regarding services commissioned by NHS Calderdale CCG during 2020 and 2021.

### **6. Appendices**

None to add.