

<b>Name of Meeting</b>	Governing Body	<b>Meeting Date</b>	23 June 2022
<b>Title of Report</b>	<b>Complaints Annual Report 2021 - 2022</b>	<b>Agenda Item No.</b>	6
<b>Report Author</b>	Janet Smart, Complaints Manager	<b>Public / Private Item</b>	Public
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### 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 2021 and 2022 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 2021 and 2022.

<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.

## Contents

1. Introduction.....	4
2. Detail .....	5
2.1 Number of Complaints Investigated .....	5
2.2 Number of Complaints by Provider.....	7
2.3 Complaints by Category .....	8
2.4 Complaints by Level .....	11
2.5 Complaints by Deadline .....	12
2.6 The NHS Complaints Process.....	14
2.7 Parliamentary and Health Service Ombudsman .....	14
2.8 The NHS Complaints Standards .....	16
2.9 Learning from Complaints .....	16
2.10 Provider and GP Practice Assurance on Complaints Handling .....	17
3. Next Steps .....	17
4. Implications.....	18
5. Recommendations.....	18
6. Appendices.....	18

## 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 2021 and 31 March 2022. 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 2021 / 22 have been compared against those received in the previous two years i.e., 2019 / 20 and 2020 / 21.

## COMPLAINTS

### Total Number of Complaints Received by NHS Calderdale CCG

Year	Number received
2019 / 20	208
2020 / 21	176
2021 / 22	235

## Complaints – NHS Calderdale CCG

	<b>2019 / 20</b>	<b>2020 / 21</b>	<b>2021 / 22</b>
Complaints received	208	176	235
Complaints investigated by NHS Calderdale CCG:	39 (19%)	73 (41.5%)	61 (26%)
CCG related	31 (79%)	68 (93%)	45 (74%)
Related to other providers	8 (21%)	5 (7%)	16 (26%)
NHS Calderdale CCG responses within deadline:			
Yes	23 (59%)	65 (89%)	51 (83.5%)
No	7 (18%)	6 (8%)	3 (5%)
Still Open/On Hold	9 (33%)	2 (3%)	7 (11.5%)
Level (section 4 provides a definition of the levels).	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	174 (74%) – Level 1 53 (22.5%) – Level 2 7 (3%) – Level 3 1 (0.5%) – Level 4

## 2. Detail

### 2.1 Number of Complaints Investigated

Of the 235 complaints received by NHS Calderdale CCG in 2021 / 22, 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.

<b>Initial Response</b>	<b>2019 / 20</b>	<b>2020 / 21</b>	<b>2021 / 22</b>
Investigated by CCG	39	73	61
Cases passed to another organisation for investigation and to respond directly to the complainant are shown below.			
Bradford and Craven CCG	-	-	1
Calderdale & Huddersfield Foundation Trust	50	28	54
Calderdale Council	2	2	2
Dental Surgery/NHS England	-	-	1
GP Surgery/NHS England	38	19	81
NHS Greater Huddersfield CCG	-	2	1
NHS Kirklees CCG	-	-	3
Locala Dental Service	6	-	1
Local Care Direct	-	3	1
NHS North Kirklees CCG	1	1	-
NHS 111	2	-	-
Opcare	10	-	-
Rosscare	-	-	1
South West Yorkshire Partnership Foundation Trust	7	2	1
Yorkshire Ambulance Service	2	-	2
Other	9	4	6
On hold	8	-	3
Closed due to lack of consent	5	-	1
Acting as 3 <sup>rd</sup> Party to review and provide advice	8	4	8
For information only	-	1	-
Referred to Healthwatch	4	1	-
Referred to the CCG's Covid -19 Vaccination Programme Team	-	5	5
Referred to CHC Operations Manager	4	2	1
Withdrawn	-	3	1
<b>Total</b>	<b>208</b>	<b>176</b>	<b>235</b>

## 2.2 Number of Complaints by Provider

- 2.2.1 Of the 61 complaints received and investigated by NHS Calderdale CCG during 2021 / 22 as Level 2, Level 3, and Level 4 complaints, 45 (shown in the table below) related directly to the CCG. This means 16 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.

Provider	2019 / 20	2020 / 21	2021 / 22
NHS Calderdale CCG	31	68	45
Opcare	4	-	-
Rosscare	-	-	1
Multi Providers:			
BMI and GP Surgery	1	-	-
NHS Calderdale CCG and Calderdale Council	1	-	2
NHS Calderdale CCG and Opcare	-	1	-
NHS Calderdale CCG and Calderdale & Huddersfield NHS Foundation Trust	2	-	-
NHS Calderdale CCG and Spire Healthcare	-	1	-
NHS Calderdale CCG and GP Surgery	-	-	7
NHS Calderdale CCG and Rosscare			2

NHS Calderdale CCG, Calderdale & Huddersfield NHS Foundation Trust, Care Home and GP surgery	-	-	1
NHS Calderdale CCG, NHS Kirklees CCG, Calderdale & Huddersfield NHS Foundation Trust, Calderdale Council, Yorkshire Ambulance Service and Care Home	-	-	1
NHS Calderdale CCG and South West Yorkshire Partnership Foundation Trust	-	-	2
NHS Calderdale CCG, Calderdale & Huddersfield NHS Foundation Trust and South West Yorkshire Partnership Foundation Trust	-	1	-
Calderdale & Huddersfield NHS Foundation Trust and NHS Bradford District and Craven CCG	-	1	-
Yorkshire Ambulance Service and Calderdale & Huddersfield NHS Foundation Trust	-	1	-
<b>TOTAL</b>	<b>39</b>	<b>73</b>	<b>61</b>

## 2.3 Complaints by Category

2.3.1 The 61 complaints received and investigated by NHS Calderdale CCG during 2021 / 22 can be categorised as shown in the table below:

<b>Category of complaint</b>	<b>2019 / 20</b>	<b>2020 / 21</b>	<b>2021 / 22</b>
Aids, appliances, equipment, e.g., wheelchairs	5	2	3
Appointments	3	1	3
Attitude of staff	1	2	-
Care and treatment	4	3	2
CAMHS	1	2	2
Choice of provider	1	2	7



Commissioning decisions made by NHS Calderdale CCG:			
Individual Funding Request (IFR)	2	1	3
Access to Infertility Treatment	5	1	1
Communication	-	1	-
Confidentiality	-	1	-
Continuing Healthcare process	6	1	6
Covid vaccination enquiries	-	23	-
Delays in diagnosis	-	-	-
Failure to follow agreed guidelines / processes	1	-	1
Flu Vaccination Enquiries	-	6	-
Ear wax removal / irrigation service	2	3	2
GP / primary care services in Calderdale following national pandemic lockdown	-	11	8
Long covid support	-	-	2
Medication related issues	3	4	4
Mental Health services	1	-	6
Patient records	-	-	2
Practice management	1	3	6
Prescribing changes	-	1	2
Referrals	1	3	-
Subject Access Request / Complaint	1	-	-
Transport	1	1	-
Unprofessional conduct	-	1	1
<b>TOTAL</b>	<b>39</b>	<b>73</b>	<b>61</b>

**2.3.2** Of the 61 complaints, 15 fell within the following two categories and are broken down below:

**GP/primary care services in Calderdale following the national pandemic lockdown – 8 complaints**

All the 8 complaints related to issues connected with the reopening of GP surgeries following the national Covid-19 pandemic lockdown, such as the perceived lack of face-to-face appointments.

However, the data reflects that 2021 / 2022 saw a slight reduction in the number of cases when compared to those received during 2020 / 2021.

It was also noted that many of the cases were referred onto NHS Calderdale CCG during the year by the offices of local MPs. The Complaints Manager therefore provided information on the current position relating to GP face to face appointments in the Calderdale area with the MPs and their staff. It is possible that this helped to reduce the number of cases being received by the CCG.

### **Choice of Provider – 7 complaints**

All the 7 complaints related to difficulties in accessing the Right to Choose process for both children's and adult mental health and neurodiversity services.

The CCG sent letters to all GP practices in the Calderdale area in August 2021 to explain the Right to Choose process, briefed the Practice Managers Group to explain 'Choice' and where necessary to remind them that they must offer individuals / families of their Right to Choose. A 10-point guide was also sent to all GP practices to help them better understand the Choice process for all age mental health provision.

The CCG similarly raised with NHS England and Improvement (NHSE&I) the need for a central base for all contracts held by CCG's across England as this was proving to be the main difficulty in the navigation of referrals. The CCG was informed that no such national system exists.

To streamline this approach for partners and the public, the CCG arranged to go through an 'Any Qualified Provider' procurement process (starting April 2022) to create a list of providers who could meet the Calderdale specification (the specification has been

produced in line with NICE Guidance for Neurodevelopment and Autism). This list would make it easier for referrers to offer Choice and be confident the provider could offer a safe, quality service. This should be in place by August 2022.

The CCG has also funded a navigator post, to help people make an informed decision about their referral. This should be in place by June 2022.

## 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	2019 / 20	2020 / 21	2021 / 22
Level 1	169	115	174
Level 2	33	56	53
Level 3	4	5	7
Level 4	2	-	1
<b>Total</b>	<b>208</b>	<b>176</b>	<b>235</b>

2.4.3 The data indicates the number of concerns and enquiries increased significantly during 2021 / 22.

2.4.4 However, the data also indicates that the number of Level 2 concerns and enquiries slightly decreased by the end of 2020 / 21.

2.4.5 Level 3 complaints remained steady 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 One complaint was categorised as Level 4 during the year.

## 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.

<b>Final Response sent within agreed timeframe</b>	<b>2019 / 20</b>	<b>2020 / 21</b>	<b>2021 / 22</b>
Yes	23	65	51
No	7	5	3
Still Open / On Hold	9	3	7
<b>Total</b>	<b>39</b>	<b>73</b>	<b>61</b>

<b>Final Response sent within agreed timeframe by Provider during 2020 / 21</b>	<b>Yes</b>	<b>No</b>	<b>Still Open/On Hold</b>
NHS Calderdale CCG	38	2	5
Rosscare	1	-	-
Multi agency: NHS Calderdale CCG and GP Surgery	6	1	-
Multi agency:	2	-	-

NHS Calderdale CCG and Calderdale Council			
NHS Calderdale CCG and South West Yorkshire Partnership Foundation Trust	2	-	-
NHS Calderdale CCG, Calderdale & Huddersfield NHS Foundation Trust, Care Home and GP surgery	-	-	1
NHS Calderdale CCG, NHS Kirklees CCG, Calderdale & Huddersfield NHS Foundation Trust, Calderdale Council, Yorkshire Ambulance Service and Care Home	-	-	1
<b>Total</b>	<b>49</b>	<b>5</b>	<b>7</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, 2021 / 22 continued to see an improvement in complaints being responded to within deadline.

2.5.6 In the 5 instances where NHS Calderdale CCG did not send the response to the complainant within the agreed timeframe this was due to the following reasons:

- One was due to the workload of the investigator who was also involved in Covid-19 front-line duties / roll out of the vaccination programme.
- One was due to the time it took the MP's caseworker to send clarified information which the Complaints Manager had asked for.
- One was due to staff absence in the CCG's investigator's team.
- Two were due to the complexity of the issues raised.

2.5.7 Where appropriate, the complainants were 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 The NHS Complaints Process**

- 2.6.1 No 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.
- 2.6.2 The Complaints Manager monitored the situation in the CCG and the effect this may have on complaint investigations.
- 2.6.3 It was identified that no significant delays were caused to the handling and investigation of the CCG's complaints.

## **2.7 Parliamentary and Health Service Ombudsman**

- 2.7.1 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.
- 2.7.2 The PHSO has not carried out any full reviews on complaints they received during 2021 / 22.
- 2.7.3 However, as reported in the Annual Complaints Report for 2020 / 21, NHS Calderdale 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 the CCG.
- 2.7.4 NHS Calderdale CCG and the partner organisations fully complied with providing the LGSCO with the information they requested and addressed the recommendations identified which all partners involved will implement within a staged process.

- 2.7.5 No final decision outcome of the LGSCO's investigation has yet been received.
- 2.7.6 During the latter part of 2021 / 22, NHS Calderdale CCG received additional contact from the LGSCO regarding two further cases. In both cases, NHS Calderdale CCG had not previously received, handled, or investigated any such complaints.
- 2.7.7 One of the cases had been dealt with by Calderdale Council following which the LGSCO approached NHS Calderdale CCG regarding issues relating to the CHC process and care homes. Following the Complaints Manager review of the case, she requested additional information to allow the CCG to correctly deal with the complaint.
- 2.7.8 The second case had also been dealt with by Calderdale Council following which the LGSCO approached NHS Calderdale CCG regarding issues relating to an Education, Health and Care Plan (EHC). Following the Complaints Manager review of the case, she requested the appropriate consent and requested confirmation of this issues relating to the CCG to allow the complaint to be handled correctly.
- 2.7.9 As reported in the Annual Complaints Report for 2020 / 21, the COVID-19 pandemic continued to have a significant impact on the PHSO's workforce and their service. This was compounded by continuing difficulties in investigating NHS complaints. These escalating pressures led to people waiting far too long for the PHSO to look at their complaints.
- 2.7.10 It remains the case that the PHSO will continue to examine all complaints they receive and will focus on the more serious complaints about health services i.e., those where people may have faced a more significant impact.
- 2.7.11 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.
- 2.7.12 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 The NHS Complaints Standards**

- 2.8.1 As reported in 2020 / 21 the PHSO announced The NHS Complaint Standards (the Standards) which they were intending to launch across the NHS (including NHS Calderdale CCG) in 2021 / 22.
- 2.8.2 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.
- 2.8.3 At the end of Quarter 2 of 2021 / 22, the Complaints Manager attended a webinar organised the PHSO. The version of the NHS Complaints Standards for commissioners was not yet available.
- 2.8.4 In view of the Complaints Manager's findings, non-material changes were made to NHS Calderdale CCG's Complaints Policy. These included removing reference to the Chief Officer and replacing with Chief Operating Officer; removal of the Chair as reviewer of complaint responses; change of Quality Committee to Quality, Finance and Performance Committee; and an improved explanation of the complaint levels.
- 2.8.5 These changes will cover NHS Calderdale CCG until it is expected a single West Yorkshire ICB Complaints Framework / Policy based on the NHS Complaint Standards will be adopted after July 2022.

## **2.9 Learning from Complaints**

- 2.9.1 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 Continuing Healthcare team who have made changes to the way they arrange appointments in part of their process.



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

- 2.10.1 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.
- 2.10.2 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. NHS Calderdale CCG usually receives feedback on such submissions but, due to Covid-19, the data collection was suspended nationally. Data was therefore not collected for 2019 / 20.
- 2.10.3 Following a consultation carried out by NHS Digital on the KO41b data collection, a revised collection was established for complaints received between 1 April 2020 and 31 March 2021. The data submission window was open from 9 August 2021 to 29 October 2021.
- 2.10.4 NHS England have recently published their national complaints data, and this has identified how many complaints were submitted across Calderdale, compared to the National and Regional figures, for General Practice.
- 2.10.5 From the published national complaints data, NHS Calderdale CCG has noted that 4 of the 21 Calderdale GP practices did not complete the complaints submission. As the KO41b return is a contractual requirement, the omissions will be followed up in collaboration with contracting colleagues.

## **3. Next Steps**

- 3.1 This will be the last full year's Annual Complaints Report for NHS Calderdale CCG prior to its transition to the West Yorkshire Integrated Care Board (ICB) in July 2022.

- 3.2 However, a Complaints Report will be completed at the end of Quarter 1 of 2022 / 23.
- 3.3 The Complaints Manager is attending regular meetings with colleagues across the West Yorkshire area to influence and determine the model for complaints handling, together with providing input and advice for developing the associated policy and reporting requirements going forward from July 2022.

#### **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 2021 and 2022.

#### **6. Appendices**

None to add.