

CCG Complaints Health Scrutiny Committee Briefing 24th February 2014

1. Summary

The Clinical Commissioning Groups across Nottinghamshire were asked by the Health Scrutiny Committee for an understanding of how the complaints procedure used to operate and what the differences are in terms of the updated procedure. The Committee also asked for details of any public engagement that has taken place in relation to the change. This paper provides a response to those questions.

The CCGs consider each complaint carefully and try to resolve issues where possible. Complainants are frequently offered meetings or further information in order to help to resolve difficult and sensitive problems. We also audit satisfaction with the complaints process on an annual basis.

2. Local Authority Social Services and NHS Complaints (England) Regulations 2009

All NHS commissioning and provider organisations must make arrangements for dealing with complaints about the exercise of their own functions in accordance with the Local Authority Social Services and NHS Complaints (England) Regulations 2009.

NHS commissioning organisations may also be asked to investigate complaints about their commissioned when the patient/carer specifically requests the commissioner to handle their complaint. In such cases, the commissioner must investigate the complaint and becomes responsible for its management.

In cases where more than one provider is involved in the complaint, the NHS organisations involved agree who should lead the complaint to enable a co-ordinated response to be provided. This also includes complaints that involve both health and social care elements.

This process has been in place since 2009 and has not changed. A leaflet and contact details are published on the CCG website. They are available in a variety of locations, such as GP surgeries. The leaflet is shown in Appendix 1. The CCGs also publish a complaint Annual Report and this is available at:

<http://www.newarkandsherwood.nhs.uk/search?q=complaint>

3. Complaints Management Pre 1st April 2013

Prior to the 1st April 2013, NHS Nottinghamshire County Primary Care Trust (the PCT) was the sole commissioner for primary, secondary and community care services across Nottinghamshire. This also included other services such as the out-of-hours GP services and emergency and non-emergency transport services.

Therefore, as well as handling complaints about the exercise of its own functions, the PCT also handled complaints (if the complainant requested) about primary care services, secondary and community care services and any other service where the PCT was the lead commissioner/contractor.

4. CCG Complaints Management from 1st April 2013

The NHS commissioning arrangements in England changed in April 2013 and this brought about some changes to responsibilities.

Clinical Commissioning Groups became responsible for commissioning secondary care, mental health and community services, out-of-hours GP services and transport. NHS England became responsible for directly commissioning primary care services and some other services such as offender health care and NHS services for the military.

The former PCT Complaints Department was divided into two teams and relocated in the North and South Clinical Commissioning Groups. The south Complaints Department is hosted by NHS Nottinghamshire North and East Clinical Commissioning Group and also covers NHS Nottingham West and NHS Rushcliffe Clinical Commissioning Groups. The Complaints Department in Mid-Nottinghamshire is hosted by NHS Newark and Sherwood Clinical Commissioning Group and also covers NHS Mansfield and Ashfield Clinical Commissioning Group.

If the complaint is about the exercise of the CCGs' own functions, for example, premises, staff, continuing care, eligibility, Individual Funding Requests, then the complaint is managed by the Clinical Commissioning Group in which the complainant lives.

In the case of commissioned services, specific Clinical Commissioning Groups across Nottinghamshire were given lead responsibility for monitoring quality within some of the larger providers.

Therefore, if the complaint is about a commissioned service, the arrangement in Nottinghamshire is that it will be the co-ordinating commissioner, responsible for monitoring quality and safety standards of the provider in question, who manage the complaint.

The following paragraph sets out lead commissioning responsibilities for monitoring quality and safety standards across Nottinghamshire for some of the larger providers.

South Clinical Commissioning Groups

Nottinghamshire University NHS Foundation Trust
Health Partnerships (community services)
Circle Nottingham (Treatment Centre)

Mid-Nottinghamshire Clinical Commissioning Groups

Sherwood Forest Hospitals NHS Foundation Trust
East Midlands Ambulance Service
Central Notts Clinical Services (OOHs)

For other large providers, such as NHS 111, oxygen and non-emergency transport, management of the complaint is led by the Clinical Commissioning Group based on where the patient lives.

The Mid-Nottinghamshire and south Clinical Commissioning Groups share quarterly and annual complaints reports via the respective Quality and Risk Sub-Committees. This enables each Clinical Commissioning Group to be aware of any quality and safety concerns arising from patient feedback that require monitoring and further work.

Primary Care Services

NHS England is responsible for quality monitoring in primary care services and therefore manages all complaints about primary care services if the complainant requests that this is not dealt with by the practice. The Clinical Commissioning Groups do not have a role to play in responding to complaints about primary care services.

Complaints covering more than one sector of the NHS

In cases where the complainant has requested the commissioner to investigate the complaint and the complaint covers more than one sector of healthcare, the Clinical Commissioning Group and NHS England will agree who should lead on the complaint. If the majority of the complaint is about a community or secondary care service, then it would normally be the co-ordinating Clinical Commissioning Group that would lead on the complaint and NHS England would participate in the management of the complaint. If the complaint is predominantly about primary care, then NHS England would lead on the complaint and the Clinical Commissioning Group would participate in the management. The lead organisation would be responsible for the investigation, complaint response and any further follow up with the Parliamentary and Health Service Ombudsman. Each respective NHS body would still be aware of any quality and safety concerns as they would be participating in the complaint response.

5. Details of Public Engagement that has taken place in relation to the changes

The current responsibilities for complaint handling were determined by NHS England.

The Patient Advice and Liaison Service (PALS) which transferred from the PCT into the Clinical Commissioning Groups played a pivotal role in ensuring enquirers were referred to the most appropriate place in a timely and efficient manner. This service is provided by Newark and Sherwood CVS for Mid-Nottinghamshire CCGs.

6. Conclusion

In summary, there has been no change to the NHS Complaints Regulations 2009 and all NHS organisations must adhere to these regulations. Complainants can ask the provider or the commissioner of the service to investigate their complaint and there has been no change to this process.

Under the new NHS commissioning arrangements (since 1 April 2013), NHS England became responsible for managing primary care complaints and some other services such as NHS military and offender health. Clinical Commissioning Groups became responsible for managing complaints about directly commissioned services.

Within Nottinghamshire, there is an arrangement whereby some of the larger providers are quality monitored by a co-ordinating commissioner on behalf of the Clinical Commissioning Groups across Nottinghamshire and therefore the co-ordinating commissioner responsible would handle the complaint.

In practice, the difference for patients is that, under the former Nottinghamshire PCT, the complainant was not passed on unless they were a Nottingham city patient. However, under the new commissioning arrangements complainants in Nottinghamshire may be referred or passed on to another Clinical Commissioning Group although this rarely occurs because Clinical Commissioning Groups have developed good complaints handling guides and literature to enable complainants to raise their concerns with the most appropriate Clinical Commissioning Group.

PALS plays a pivotal role in ensuring enquirers are referred to the most appropriate place in a timely and efficient manner. Patient engagement remains embedded within all Clinical Commissioning Groups and enquirers are advised of the most appropriate route to raise their concerns.

Glenna Gash, CCG Complaints Manager

How to complain

Why complain?

Complaints are an important way of telling us when things aren't going right, and where services are not meeting your expectations.

We can learn from what you tell us.

It is important that when issues of concern arise, that they are dealt with quickly and professionally, with an appropriate explanation of what we have found.

We will also tell you what action we have taken as a result of your complaint, and say sorry if something has gone wrong.

What can I complain about?

You can complain about services we commission, such as:

- Hospital services
- Community services
- Mental Health services
- Other care services commissioned by us

Complaints about GPs, Dentists, Optometrists and Pharmacists are not dealt with by us. They are dealt with by NHS England. Contact details are:

Email: nhscommissioningboard@hscic.gov.uk

Or By post

NHS Commissioning Board
PO Box 16738
Redditch
B97 9PT

Or By telephone

0300 311 22 33 (Monday to Friday 8am to 6pm, excluding English Bank Holidays)

If you are not sure whether we can deal with your complaint, then please contact the Complaints Manager

How do I complain?

You can make a complaint by contacting the provider directly

Or

You can speak to someone in our Patient Advice and Liaison Service (PALS)

PALS can:

- Provide you with information about the NHS
- Help you with any other health service related query
- Help resolve concerns or problems when you are using the NHS
- Provide information about the NHS complaints procedure and how to get independent help if you decide you may wish to make a complaint

If you decide that you want to make a formal complaint straight away and do not want to approach PALS or the provider yourself, you can put your complaint in writing to our Complaints Team who will handle the complaint for you. (See details over the page)

Does it have to be in writing?

You can make your complaint over the telephone or in writing, whichever way you prefer. If you have a physical or learning disability we can offer extra help to enable you to make your complaint. There is also other help available (see details for POHWER over the page).

Is there a time limit for making my complaint?

Your complaint should be made as soon as possible within six months of the event, or six months of realising that you have something to complain about.

The maximum time limit is twelve months from the event.

However, if there are reasons why the complaint could not be made within these timescales please discuss this with the Complaints Manager.



How to complain

What happens next?

Your complaint will be investigated. We aim to resolve the concerns and take action to prevent the incident from happening again. Your rights to confidentiality will be respected throughout the investigation.

How long will it take?

You should receive an acknowledgement in three working days and a full written reply from a senior member of the Clinical Commissioning Group within 40 working days. Should we require additional time to explore your complaint we will contact you to discuss this.

What happens if I am not satisfied?

If you should remain dissatisfied, you may at that stage refer your complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman is Independent of Government and the NHS. The service is confidential and free. There are time limits for making a complaint to the Ombudsman, although this can be waived if there is a good reason for doing so.

If you have any questions about the Ombudsman, you can contact their helpline on 0345 015 4033, email phso.enquiries@ombudsman.org.uk

POhWER Advocacy Service

If you would like assistance or support in making your complaint about the NHS, you may wish to contact POhWER.

POhWER Advocacy Service is independent, confidential and free.

POhWER can be contacted on 03000 200 093

PALS contact details:

Call PALS on 0800 028 3693

Or write to PALS at

Patient Advice & Liaison Service (PALS)
Newark & Sherwood CVS
67 Northgate
Newark NG24 1HD

Complaints

Call Complaints on 01636 594838

Or write to Complaints Team at:

Email:
complaints.north@newarkandsherwoodccg.nhs.uk

Complaints Team
Newark and Sherwood CCG
FREEPOST RSST-SCJJ-SRBJ
Balderton Primary Care Centre
Balderton, Newark, NG24 3HJ

This leaflet is available in different formats and languages. Please call 0800 028 3693 for assistance



Newark and Sherwood
Clinical Commissioning Group



“Learning from you”

How to complain

Our commitment to you

Newark & Sherwood Clinical Commissioning Group is committed to using resources to provide the best possible care and services. You can help us to improve our services by telling us about your experiences.