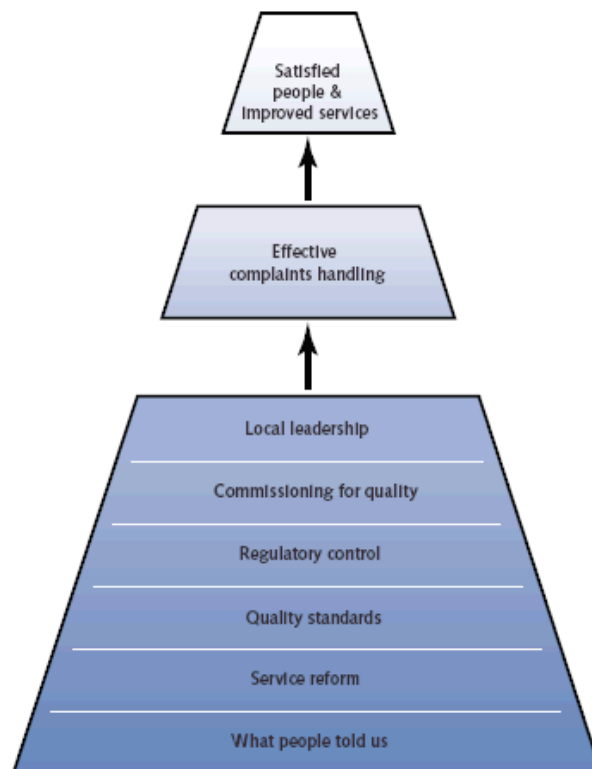




## Good practice 6: Making good use of existing procedures

People who are seldom heard are unlikely to be able to make independent use of any formal complaints procedures. Therefore it is especially important that those who support and advocate for them are very familiar with such procedures and use them appropriately on their behalf. Specifically the new 2009 regulations for health and social care complaints procedures<sup>1</sup> state that a complaint may be made by “*a person who is affected or likely to be affected, by the action, omission or decision of the responsible body which is the subject of the complaint*”. The regulations also state that complaints can be made on behalf of somebody unable to make a complaint themselves because of “*physical incapacity; or lack of capacity within the meaning of the Mental Capacity Act 2005; or has requested the representative to act on their behalf.*” The responsible body to which the complaint is made must be satisfied that the representative is conducting the complaint in the best interests of the person on whose behalf the complaint is made.

Effective complaints handling should result in improved services and outcomes for people.



**Taken from:** Making Experiences Count, A new approach to responding to complaints A document for information and comment June 2007



Effective systems for managing complaints will be one of the requirements for registration for NHS trusts from 2009/10. So while we will not have a direct role in handling complaints, we will be making sure that trusts are dealing with complaints properly. The Care Quality Commission will have the interests of patients at the heart of what we do and we will want to make sure that complaints are being effectively managed. Good use of information from complaints can help trusts improve their services.

**Cynthia Bower, Chief Executive of the Care Quality Commission<sup>2</sup>**

### **An example of acting on a complaint by collaborative working**

**Improving patient experience; learning the lessons from complaints:** Using a process called ‘root cause analysis’ within a joint forum between Humber Mental Health Teaching NHS Trust and Hull and East Yorkshire Hospitals NHS Trust, we identified new solutions to improve communication with people with learning disabilities. A lady needed to have her bloods taken but unfortunately phlebotomy staff had difficulties in communicating the procedure which resulted in distress for the lady concerned and her mum. Unpicking this patient journey within the Local Access to Acute Group highlighted the lack of accessible information available within the acute trust to explain the procedure. Following extensive consultation with the Venepuncture Specialist, the clinical audit officer worked with the learning disability service to develop an accessible version of ‘having your bloods taken’, using plain English with photographs to explain what will happen at each stage. The booklets were reviewed by members of the Local Access to Acute Group which included the mum who made the complaint and members of the Partnership Board [East Riding]. The mum who originally made the complaint said

***“Absolutely brilliant, they are just what is needed, let’s hope all staff use them when people with learning disabilities come into hospital”***

As an outcome from this, East Riding PCT, supported by their commissioner have funded the printing of these booklets which are now available throughout Hull and East Yorkshire hospitals, in all GP surgeries in East Riding, within the Community Learning Disability Teams, nursing and residential homes.

**For more information contact Allyson Kent Head of Profession; learning disability nursing [Allyson.Kent@humber.nhs.uk](mailto:Allyson.Kent@humber.nhs.uk)**



## Organisations that can help

**Independent Complaints Advocacy Service (ICAS)** is available to provide independent support to people wishing to complain about treatment in the NHS. Three providers deliver ICAS in different parts of the country. They have done work to improve the complaints process for people with learning disabilities (see **resource one**)

**The Carers' Federation** <http://www.carersfederation.co.uk/what-we-do/icas>  
North East

- North West
- Yorkshire and Humberside
- East Midlands

**POhWER** [http://www.pohwer.net/how\\_we\\_can\\_help/independent.html](http://www.pohwer.net/how_we_can_help/independent.html)

- East of England
- London
- West Midlands

**SEAP** <http://www.seap.org.uk/icas/index.html>

- South East England
- South West England

**The Patient Advice and Liaison Service (PALS)** is an NHS service which

- Provides information about the NHS and help with other health enquiries.
- Helps to resolve concerns or problems when using the NHS.
- Provides information about the NHS complaints procedure and how to get independent help if you make a complaint.
- Provides information about agencies and support groups outside the NHS.
- Provides information about getting more involved in your own healthcare and the NHS locally.
- Improves the NHS by listening to concerns, suggestions and experiences and passing these to the people who design and manage services.
- Identifies problems or gaps in services and reporting them to NHS Trusts and monitoring bodies.

**Website:** <http://www.pals.nhs.uk/default.aspx>



**The Parliamentary and Health Ombudsman** carries out independent investigations into complaints about UK government departments and their agencies, and the NHS in England in order to help improve public services. The current UK Parliamentary Ombudsman and Health Service Ombudsman for England is **Ann Abraham**.

**Complaints Helpline 0345 015 4033**

**Website:** [www.ombudsman.org.uk/index.html](http://www.ombudsman.org.uk/index.html)

**The Office of the Public Guardian** supports the Public Guardian in protecting the rights of those who lack capacity for decision making, including registering Lasting Powers of Attorney and supervising Court of Protection appointed Deputies. It is an agency of the Ministry of Justice. If there are concerns about the actions of an attorney acting under a registered Lasting Power of Attorney, or a Deputy appointed by the Court of Protection, the Compliance and Regulation Unit should be contacted on the dedicated phone line for reporting concerns **020 7664 7734**. The Office of the Public Guardian will then investigate the actions of the Deputy or Attorney and can also refer concerns to other relevant agencies. They can also make an application to the Court if it needs to take possible action against the attorney or deputy.

**Website:** <http://www.publicguardian.gov.uk/>

**The Care Quality Commission** will regulate and improve the quality of health and social care and look after the interests of people detained under the Mental Health Act. In April 2009 it will take over the work of the three previous regulators; the Commission for Social Care Inspection, Healthcare Commission and Mental Health Act Commission.

**Website:** [www.cqc.org.uk](http://www.cqc.org.uk) **Phone:** 03000 616161 **Email:** [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)



For help and advice on making complaints see **resource two**



## Resources about formal complaints procedures

From April 2009 a new joint complaints procedure for health and social care comes into operation. **For more information visit** [www.dh.gov.uk/mec](http://www.dh.gov.uk/mec)

In addition all publications relating to these NHS and social care complaints reform can be downloaded from the PALS website.

[www.pals.nhs.uk/CmsContentView.aspx?ItemId=1978](http://www.pals.nhs.uk/CmsContentView.aspx?ItemId=1978)

As of February 2009 these resources comprise

### **Publications and correspondence**

- The new regulations
- A guide to better customer care
- The quick guide to customer care
- Letter to chief executives
- Key messages

### **Advice sheets**

- Investigating complaints
- Joint working
- Dealing with serious complaints

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<sup>1</sup>**The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009** No. 309 2009 NHS England, Social Care England

<sup>2</sup> **Cynthia Bower, Chief Executive, the Care Quality Commission**, CQC says it will keep spotlight on complaints [www.cqc.org.uk/news\\_events/spotlight\\_on\\_complaints.aspx](http://www.cqc.org.uk/news_events/spotlight_on_complaints.aspx)