

Our year at a glance

A service for everyone

We resolved

23,667

enquiries from members of the public during the year.

In

605

cases where something had gone wrong, we helped put things right without the need for formal investigation – a quicker and simpler way forward for everyone.

Only

403

cases needed a formal investigation and we completed

88%

of investigations within 12 months.

See page 6 for more details

Engaging with Parliament

Complaints about government departments and agencies must be referred by a Member of Parliament.

During the year,

88%

of MPs referred complaints to us.

Our tailored online information for MPs and their constituency staff, together with a dedicated telephone line, ensures swift and direct access to our service.

See page 9 for more details

Concluding the Equitable Life saga

Our work on complaints about regulatory failure in respect of Equitable Life concluded when the *Equitable Life (Payments) Act 2010* received Royal Assent. The Ombudsman confirmed to Parliament that the new Government's decisions on compensation were not incompatible with her recommendations, while she recognised the disappointment of many policyholders.

On 30 June 2011 the compensation scheme made the first payments to those eligible to receive them.

'As Parliament's Ombudsman it has been my task to report independently to Parliament on this matter, so that Parliament can be informed in the decisions it takes. Parliament has considered the issues raised in my report and the recommendations I made and has provided its response.'

Ann Abraham

Parliamentary and Health Service Ombudsman

See page 23 for more details

Listening and Learning in the NHS

Our first review of NHS complaint handling performance, published in October, concluded that the NHS needs to listen harder and learn more from complaints. We hosted six regional conferences for NHS complaint managers across England, to discuss complaint handling performance in their area.

See page 22 for more details

Investing in our people

In March, we achieved the Investors in People Bronze Award, recognising our continuing commitment to developing our staff and exceeding our previous accreditation standard. The assessor praised the progress made in the last three years and concluded: *'It is clear that Investors in People matters at PHSO'*.

www.ombudsman.org.uk/iip

Spotlight on NHS care for older people

Our Care and Compassion? report triggered a national debate about the care of older people by revealing the gulf between the principles and values of the NHS Constitution and the experiences of some older people in hospital or under the care of their GP.

See page 24 for more details

New guidance for government

Our investigation into a complaint about data sharing between government departments included a recommendation for new government guidance to ensure learning from the complaint was shared across departments. The Cabinet Office is working to take this forward.

See page 17 for more details

Improving NHS complaint handling

We began a programme of liaison work with the most complained about NHS trusts to support improvements in complaint handling. The number of complaints received about the most complained about trust in 2009-10, Barts and The London NHS Trust, fell from 146 to 112.

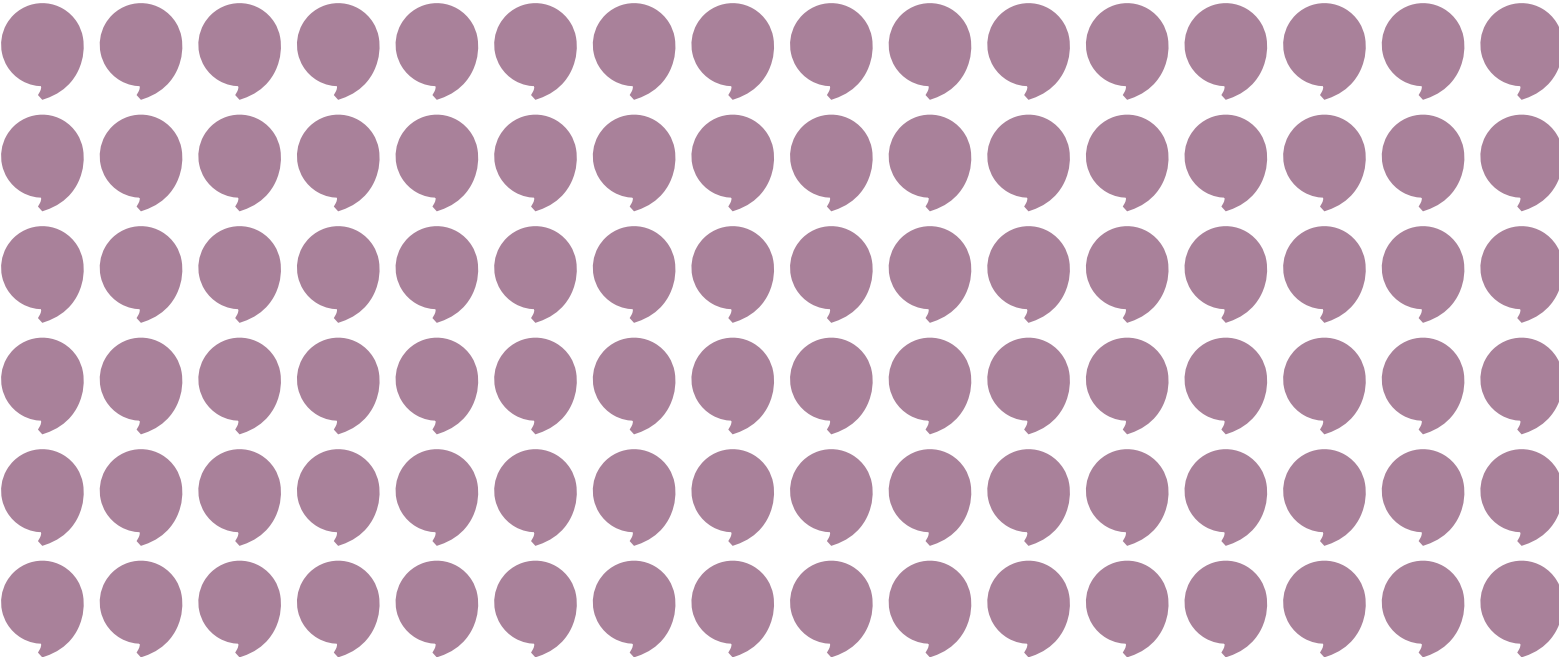
See page 22 for more details

Supporting democracy in South Africa

We entered into a new partnership with the South African Public Protector in order to share learning and best practice. Staff from the Public Protector's Office visited us in the autumn to learn directly from our casework experience.

See page 23 for more details

How we help



Our role is to consider complaints that government departments, a range of other public bodies in the UK, and the NHS in England, have not acted properly or fairly or have provided a poor service.

Not every complaint needs to be resolved by investigation and we provide a service for everyone who contacts us.

In 2010-11, we received 23,422 enquiries and continued work on 1,623 carried over from 2009-10.

First contact

People who contact us often need help with making their complaint or advice on where to complain.

Advice and signposting: 3,340 enquiries

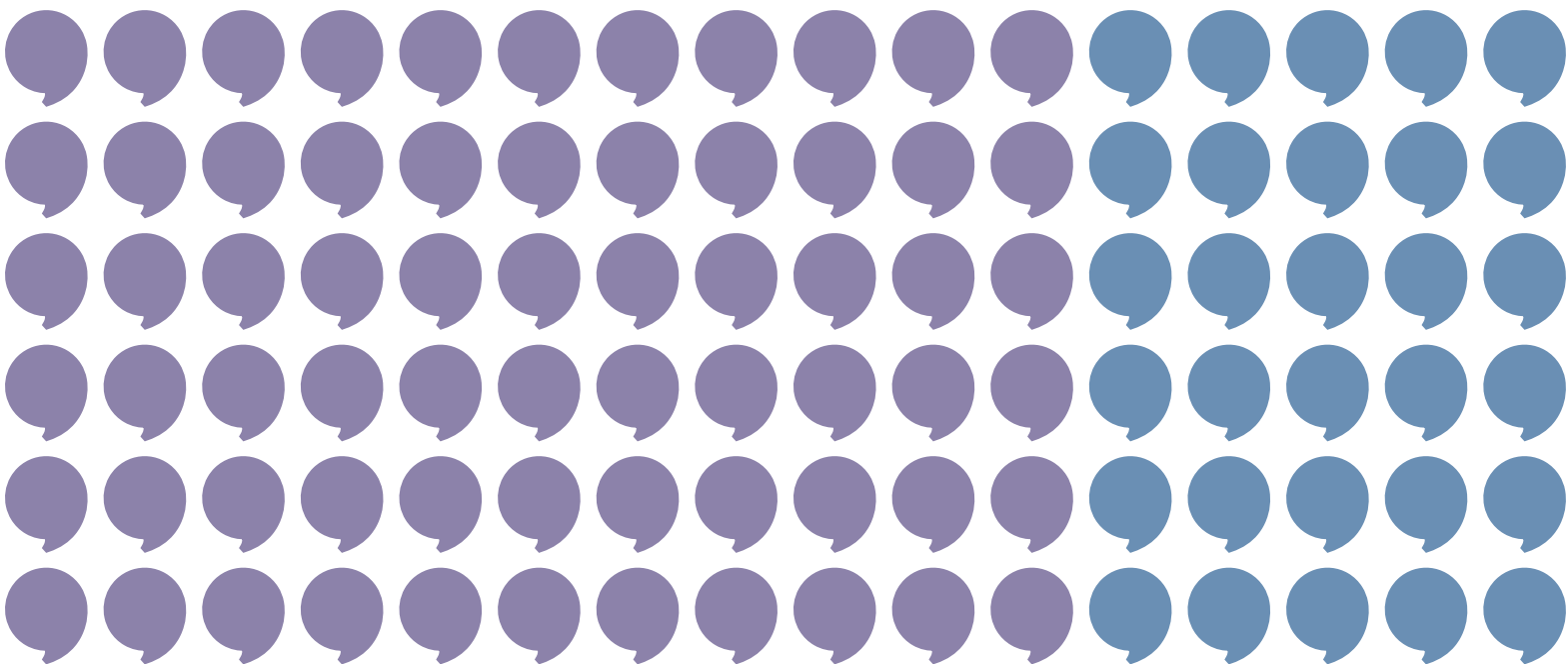
If an enquiry is not for us, we can suggest who might be able to help. Last year, we advised people on where to complain about issues ranging from financial services to the television show *The X Factor*.

Help with making a complaint: 15,591 enquiries

A complaint should usually be made to the public body concerned before being brought to the Ombudsman. We advise on how to do this and how to bring the matter back to us if the response is unsatisfactory.

The law requires that health complaints must be made to us in writing, and complaints about parliamentary bodies must be referred by an MP. If the complaint has already been made to the public body, we can help with putting it in writing, or finding an MP to refer it to us.

On 1,496 occasions last year, the complainant chose not to progress their complaint further, or did not put the complaint in writing or obtain an MP referral.



A closer look

Before deciding what action to take, we assess an enquiry in detail. This includes talking to the complainant, reviewing the papers, talking to the body complained about and taking professional advice.

Explanation and reassurance: 3,728 enquiries
Our detailed assessment may conclude that no further action is required. We explain how the public body has already put things right or reassure the complainant that there is no case to answer.

Swift resolution: 605 enquiries
If our assessment indicates that something has gone wrong and not been put right, we work to resolve the issue as quickly as possible. Where we can, we provide a remedy to the complainant ourselves or ask the public body to do so, without the need for a formal investigation. This provides a straightforward conclusion for the complainant and enables the public body to learn from what has gone wrong.

Formal investigation

Only a small number of cases need to be resolved by a formal investigation. Our investigations are thorough and impartial, and conclude with a report of our findings.

403 cases accepted

In 2010-11, we accepted 403 cases for formal investigation, 107 about parliamentary bodies and 296 about the NHS. We reported on 412 investigations (including some investigations carried over from previous years) – 93 were parliamentary investigations and 319 were health investigations.

We upheld 78 per cent of parliamentary complaints and 79 per cent of health complaints.

Putting things right

If the complaint is upheld or partly upheld, we recommend actions for the body in question to take to put things right, and check to ensure these are acted upon. Last year, over 99 per cent of our recommendations for remedy were accepted.

**In 2010-11, we resolved
23,667 enquiries and carried
over 1,378 into 2011-12.**

First contact

We do not investigate all the complaints that come to us, but every enquiry receives a response.

In 2010-11, we received 23,422 enquiries from members of the public. Of these, 2,807 were about bodies outside our jurisdiction, 6,990 were about parliamentary bodies and 13,625 enquiries were about the NHS.

The number of enquiries we received during the year differs from the number we resolved in the same period. This is because work on some enquiries continues as they are carried over from one business year to the next. This report provides summary figures for the enquiries we received in 2010-11 and outlines the different ways we worked to resolve them. More detailed information about the complaints we received about public bodies during the year will be published in our health and parliamentary complaint handling performance reports in October 2011.

During 2010-11 we resolved a total of 23,667 enquiries. Of these, 3,340 were about bodies or issues outside our jurisdiction or remit and we advised enquirers on where to complain about issues ranging from financial services and utilities to school admissions or advertising content.

We resolved 15,591 enquiries by giving people advice and assistance on how to progress their complaint. This included the need to complain to the body concerned before bringing the matter to us, the requirement for health complaints to be submitted to us in writing, and the need for parliamentary complaints to be referred to us by an MP. Not everyone fulfilled these requirements and 1,496 enquiries were withdrawn during the year because the enquirer chose not to progress the issue, or did not put their health complaint in writing or obtain an MP referral for a parliamentary complaint.

In 2010-11:

- the government departments we received the most complaints about were the Department for Work and Pensions (2,462 complaints), HM Revenue & Customs (1,671) and the Ministry of Justice (924).
- the health bodies we received the most complaints about were acute trusts, with 6,924 complaints.
- we received 2,714 complaints about primary care trusts and 2,581 complaints about GPs.

‘I wish I had spoken to you sooner for advice; then perhaps it would not have dragged out for so long.’

23,667

enquiries resolved

36%

of enquirers surveyed said they have a disability

Open to all

We are committed to making our service accessible to everyone. During the year we continued to improve our service, ensuring a prompt and tailored response to our customers' different needs.

We launched a new and more accessible website with a fresh design and simplified navigation. The online complaints tool provides clear guidance on making a complaint and how we can help.

Our 'call back' system enables people to get in touch with us by text message, and our new telephone interpreting service allows us to talk on the phone with customers in their preferred language. A text relay service meets the needs of customers with hearing difficulties and our customer service staff received specialist training in helping those who may have difficulties communicating by telephone.

Complaints about government bodies or agencies must be referred to us by a Member of Parliament. Following the General Election in May, we provided briefings for MPs in the new Parliament to further their knowledge and understanding of how we can assist their constituents. We created a new section on our website for MPs and their staff and provide a dedicated telephone line and information pack to help them refer the right complaints to us at the right time.

Knowing our customers

When we have dealt with an enquiry, we may ask the person who made the enquiry to take part in our rolling programme of customer research. In 2010-11 our research revealed:

- 36 per cent of enquirers surveyed said that they have a disability
- this increased to 39 per cent of people who contacted us about an NHS complaint
- 39 per cent of enquirers surveyed were between 55 and 74 years old
- 18 per cent of people surveyed whose enquiries we resolved were from a black or minority ethnic background.



Responding to individual needs

In 2010-11, we provided a service to our customers in over 20 different languages, ranging from Albanian and Arabic to Turkish and Urdu. When Mrs G, who is deaf, contacted us via an interpreter, we communicated the findings of our assessment directly to her by sending a film in British Sign Language, which was her preferred language.

A closer look

A formal investigation is not always needed to resolve a complaint. Where we can, we resolve complaints quickly and simply by intervening to secure an outcome that is satisfactory for everyone.

Complaints that have been made at the right time, for the right reason and in the right way are assessed by our customer service and assessment teams to confirm whether we should investigate. This involves a closer look at the detail of the case in order to decide if a formal investigation is needed.

We may talk to the complainant and the body complained about, review papers relating to the complaint and take professional advice.

In 3,728 of the cases we assessed, we were satisfied that there was no evidence of maladministration or injustice for us to investigate and we reassured the complainant that there was no need for a formal investigation.

Where our assessment reveals clear evidence of maladministration or injustice, we can often resolve the issue quickly and effectively. In 605 cases last year we resolved the matter by working with the public body and complainant to reach a satisfactory conclusion without the need for a formal investigation. In 273 of these cases, we were able to resolve the matter ourselves and in a further 332 cases the body concerned resolved the complaint

following our intervention. Our interventions can result in progress for a delayed application or appeal, or a remedy for the complainant such as an apology, a detailed explanation of what went wrong or a compensation payment. In 2010-11 only 107 parliamentary cases and 296 health cases needed to be resolved through formal investigation.

Helping our customers

Our customer research in 2010-11 revealed:

- 70 per cent of enquirers surveyed said that the complaints process was easy to understand
- 82 per cent of enquirers surveyed said that our staff were helpful and approachable
- 70 per cent of enquirers surveyed said they were likely to recommend our service to friends and family.

‘If it wasn’t for your intervention I would be in a worse place now... You made me feel as though I wasn’t just a piece of paper.’

605

cases where things were put right without the need for formal investigation

82%

of enquirers surveyed said that our staff were helpful and approachable

‘I am absolutely convinced that without your intervention I would not have had this successful outcome, and am deeply grateful to you.’

Formal investigation

Our investigations are thorough and impartial and end with a report setting out our conclusions. We aim to complete 90 per cent of investigations within 12 months; in 2010-11, we achieved 88 per cent.

During the year we accepted 403 cases for formal investigation, and reported on 412 (this includes some investigations carried over from the previous year).

Although the total number of cases we received fell year on year, overall the number of cases accepted for investigation rose. We accepted 107 cases about parliamentary bodies for investigation (compared with 52 in 2009-10) and 296 cases about the NHS (compared with 304 in 2009-10).

Complaints about parliamentary bodies

We received the most complaints about the Department for Work and Pensions (2,462 complaints), HM Revenue & Customs (1,671), the Ministry of Justice (924), the Home Office (800) and the Department for Transport (336). Only a small number of these needed to be resolved through formal investigation.

The government departments with the most complaints accepted for investigation are listed in the table to the right.

Government department	Number of complaints accepted for formal investigation
Ministry of Justice	35
Including:	
Legal Services Commission	12
HM Courts Service	9
Office of the Public Guardian	7
Home Office	20
Including:	
UK Border Agency	19
Department for Work and Pensions	18
Including:	
Child Support Agency (part of the Child Maintenance and Enforcement Commission)	8
Independent Case Examiner	8
Department for Environment, Food and Rural Affairs	13
All the complaints accepted were about the Rural Payments Agency	
HM Revenue & Customs	12
Including:	
The Adjudicator's Office	5
Valuation Office Agency	1

Complaints about the NHS

We received the most complaints about acute trusts (6,924 complaints), primary care trusts (2,714 complaints) and GPs (2,581 complaints). Only a small number of these required formal investigation.

The type of health bodies with the most number of complaints accepted for investigation are listed below.

902

recommendations for remedy made in 2010-11

Putting things right

If we uphold a complaint, we may recommend actions for the public body to take in order to put right what has happened and to learn from its mistakes. This can include an apology, payment to compensate for hardship or injustice, compensation for financial loss and/or other action to put things right. If we decide not to uphold a complaint because there was no service failure, maladministration or injustice, we explain the reasons for our decision.

In 2010-11, we made 902 recommendations for remedy, including 257 recommendations for financial remedy totalling £780,201.72. In addition, £1.5 billion was made available to fund compensation to make good relative losses in the Equitable Life case. There was only one case, involving an NHS dentist, where our recommendations were not accepted. We reported the dentist's non-compliance to Parliament and the local primary care trust and referred the matter to the General Dental Council. There were nine applications for judicial review of our decisions during the year. Of those, six were refused permission to proceed at first application, one was given limited permission to proceed and we are awaiting the court's initial decision on the other two.

Health bodies	Number of complaints accepted for investigation
NHS hospital, specialist and teaching trusts (acute)	177
General practitioners	66
Primary care trusts	54
General dental practitioners	22
Mental health, social care and learning disability trusts	20

In 2010-11:

- we reported on 93 investigations into complaints about parliamentary bodies and 319 investigations into complaints about the NHS
- we upheld in full or in part 79 per cent of complaints investigated about health bodies, and 78 per cent of complaints investigated about parliamentary bodies
- over 99 per cent of the individual recommendations for remedy we made were accepted by the body complained about
- 88 per cent of people surveyed whose complaint we investigated said they were satisfied or very satisfied with our service.

Sharing learning

Our work brings benefit to the wider public by informing public policy and driving improvements in public services. To achieve this, we share the learning from our casework with Parliament and government, the public and the NHS.

Sharing information about complaints

Listening and Learning, our first review of complaint handling by the NHS in England, was published in October. Using data from the first full year of the new complaint handling system, the review assessed the performance of the NHS against the commitment in its Constitution to acknowledge mistakes, apologise, explain what went wrong and put things right, quickly and effectively.

Listening and Learning concluded that the NHS needs to listen harder and learn more from complaints. Many of the lessons that can be learnt from complaints are straightforward and cost little or nothing to implement at local level: a commitment to apologising when things go wrong; clear and prompt explanations of what has happened; improved record keeping and better information for patients about how to complain.

With previously unpublished data about the number of complaints received during 2009-10 for every trust in England, *Listening and Learning* presented a unique national picture of what happens when mistakes occur and the NHS fails to put things right. Following publication of the review, the data was uploaded into the Care Quality Commission's (CQC) Quality and Risk Profiles, providing more detail of the complaint handling performance of each healthcare provider. We also agreed a joint statement on the need for reliable, meaningful and comparable complaints information with the NHS, CQC and Monitor, the Department of Health, the NHS Information Centre, the charity National Voices, and the National Association of LINKs Members.

Bernard Jenkin MP, Chair of the Public Administration Select Committee, and the Secretary of State for Health, the Rt Hon Andrew Lansley MP, spoke at the launch of *Listening and Learning* in Parliament. The launch was followed by a series of six regional conferences attended by nearly 500 NHS complaints managers across England.

We began a programme of liaison work with the most complained about NHS trusts, sharing summaries of the learning points from cases involving each individual trust. These included information on what was done well and where improvements might be made.

Our new policy on sharing and publishing information about NHS complaints came into effect on 1 January 2011. The policy states that we will share all reports of our health investigations with the relevant strategic health authority and the commissioning body, to help them to monitor performance.

Regional conference delegate

‘Events like this should be more frequent as they can be a valuable tool in gauging how we as individuals are performing and where we can improve using the *Ombudsman's Principles*.’

Equitable Life saga comes to an end

In December 2010, our work on complaints from Equitable Life policy holders about the regulation of the company came to an end.

Soon after the General Election, the new Coalition Government announced its intention to implement the Ombudsman's recommendation to make fair and transparent payments to Equitable Life policyholders, through an independent payment scheme, for their relative losses as a consequence of the regulatory failure identified in the Ombudsman's July 2008 report.

This commitment was repeated in October by Mark Hoban, the Financial Secretary to the Treasury, when he gave evidence to the Public Administration Select Committee. Later that month, as part of the Comprehensive Spending Review, the Government announced that it would make £1.5 billion available to compensate Equitable Life policyholders and set out its decisions about who would be eligible for compensation.

These decisions were supported by Parliament and, in December, the *Equitable Life (Payments) Act 2010* became law. In reply to a letter from the All Party Parliamentary Group for Justice for Equitable Life Policy Holders, the Ombudsman wrote:

'Whilst I recognise that some of the people who complained to me will be extremely disappointed by the Government's decisions on affordability and eligibility, I cannot say that those decisions are incompatible with the recommendations in my report. As Parliament's Ombudsman, it has been my task to report independently to Parliament on this matter, so that Parliament can be informed in the decisions it takes. Parliament has considered the issues raised in my report and the recommendations I made and has provided its response'.

On 30 June 2011 the compensation scheme made the first payments to those eligible to receive them.

Sharing best practice internationally

In August, the Ombudsman signed a Memorandum of Understanding between her Office and the Public Protector of South Africa. This new relationship provides a framework for the two Offices to co-operate and share best practice and experience. Later in the year, we welcomed five visitors from the Public Protector's Office, who came to our Office to learn about how we respond to complaints, our communications, and our governance processes.

In 2010-11:

- we published two investigation reports to share our learning: one on the Pensions Regulator, the other on an investigation into the handling of personal data by HM Revenue & Customs, the Child Support Agency and the Department for Work and Pensions
- we visited 15 of the most complained about health trusts to talk directly with them about how to improve their complaint handling service
- 90 per cent of our regional conference delegates rated the event they attended as 'good' or 'excellent'
- we welcomed visitors from around the world, including Ethiopia, Turkey and Japan, to share learning about our work.

Public Protector of South Africa, Advocate Thuli Madonsela

'This is the most important partnership that my Office has globally. We do have partnerships with others, but this one is very solid... we have benefited immensely.'

Sharing learning

In February, we published *Care and Compassion?*, a report on ten investigations into NHS care of older people. The stories in the report revealed the unnecessary pain, indignity and distress suffered by older people in hospital or under the care of their GP. It highlighted the gap between the principles and values of the NHS Constitution and the poor quality of care experienced by the patients whose cases we investigated.

Care and Compassion? concluded that the NHS is failing to meet even the most basic standards of care because of an attitude – both personal and institutional – that fails to recognise the humanity and individuality of older people and does not respond to them with sensitivity, compassion and professionalism. In the report, the Ombudsman said:

‘These often harrowing accounts should cause every member of NHS staff who reads this report to pause and ask themselves if any of their patients could suffer in the same way. I know from my caseload that in many cases the answer must be “yes”. The NHS must close the gap between the promise of care and compassion outlined in its Constitution and the injustice that many older people experience. Every member of staff, no matter what their job, has a role to play in making the commitments of the Constitution a felt reality for patients.’

Described in the press as ‘damning’, ‘heart-breaking’ and ‘a national outcry over the treatment of older patients’, the report generated a huge public response.

In the House of Lords, Baroness Bakewell called for a total rethink of how older people are regarded in an ageing society. The Bishop of Leicester wrote: ‘From time to time, a story hits the headlines which is so shocking we can hardly take it in’. The Royal College of Nursing described the report as a ‘wake up call to people working in the NHS’. In a letter to all Chairs of NHS trusts, primary care trusts, strategic health authorities and NHS foundation trusts in England, NHS Chief Executive David Nicholson described the report as a valuable learning tool.

Nearly six months on, *Care and Compassion?* continues to influence the debate about the quality of NHS care in Parliament, the NHS and the media. Less publicly, we have met a range of different organisations to discuss how care for older people can be improved and their reactions to the report also suggest that it will have a lasting impact.

When *Care and Compassion?* was published, the government asked the Care Quality Commission (CQC) to implement a series of unannounced nurse-led inspections into care for older people on NHS wards. The results of the first inspections have already been published, and in June 2011, the Minister of State

for Care Services, Paul Burstow MP, told Parliament that a national report on the CQC’s findings would be made public in September 2011.

- *Care and Compassion?* generated over 300 press reports, including front page articles in *The Times*, *The Independent*, *The Guardian* and *The Daily Telegraph*
- we took part in 60 national, regional and international media interviews about the report
- films of stories from the report have been viewed more than 2,000 times
- the report is available in a range of formats, including large print, high contrast, audio and DAISY.

To read the full report of *Care and Compassion?* and see the films, visit our website at www.ombudsman.org.uk.

**NHS Chief Executive,
David Nicholson**

‘Care and Compassion?’ illustrates graphically the effect on older people, their families and carers where standards fall below what they, and we, should expect.’
