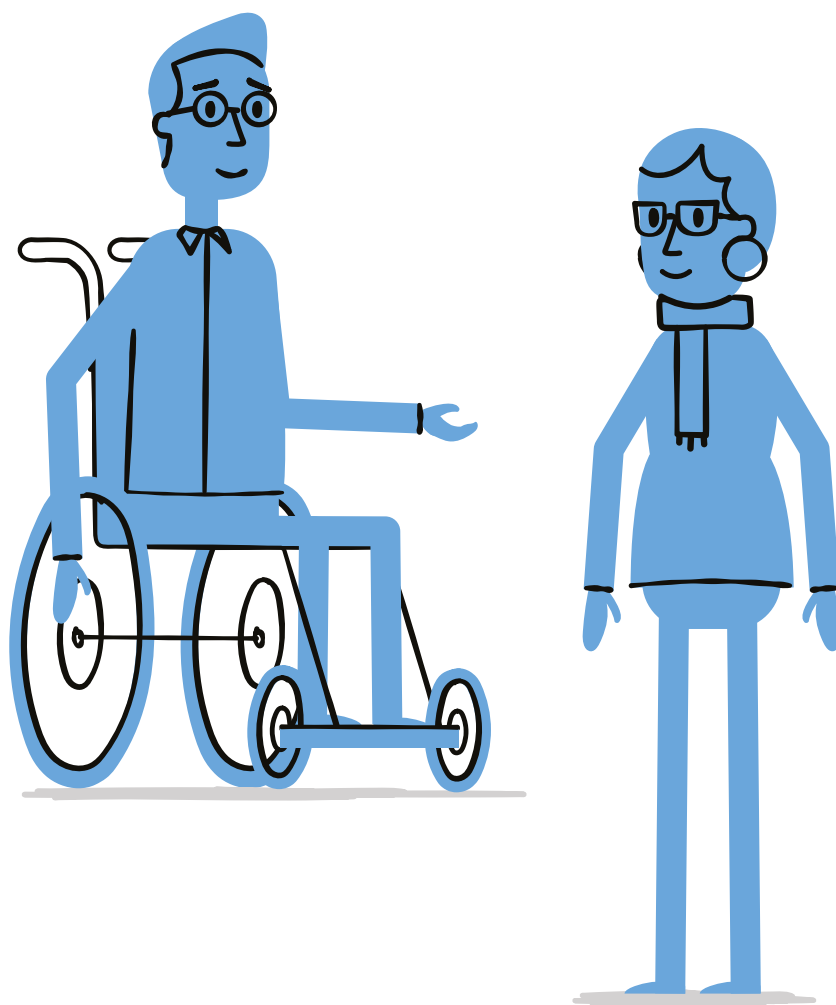
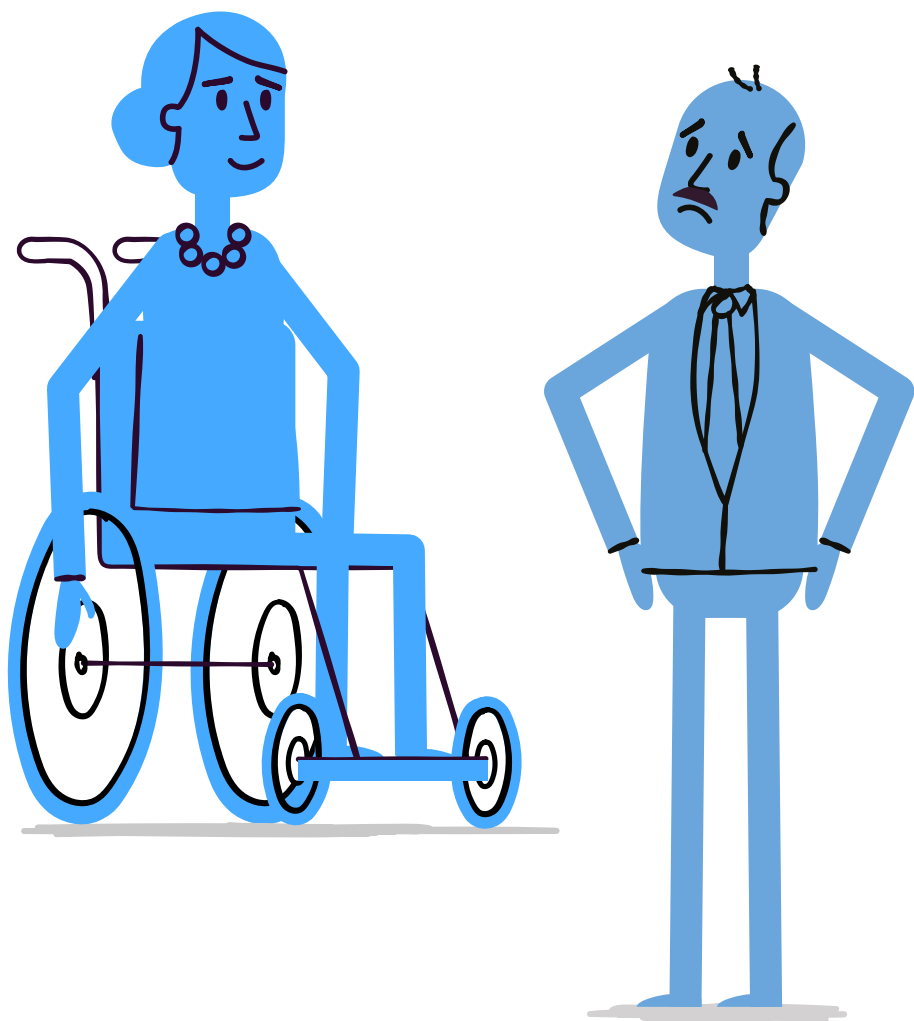


Capturing and reporting on learning from complaints



Contents

Welcome to this guide	3
What guidance and standards are relevant to this guide?	4
What you need to do	7
Practical tools	12



Welcome to this guide

This guide explains how to capture and keep an appropriate record of complaints data and insight, and how to use that information to:

- meet your legal and regulatory requirements
- determine how well your organisation, and any organisations you commission to provide services on your behalf, perform when dealing with complaints and delivering the Complaint Standards
- identify emerging themes and issues so that you can act promptly
- identify learning and create SMART (specific, measurable, achievable, realistic, time-bound) action plans to help you improve services
- make sure that learning is embedded in your complaints process
- demonstrate that you have learned and improved services on an individual level and on a wider scale
- share learning in your own organisation and more widely.

This guide is one of the Good complaint handling series, designed to help you meet and deliver the expectations in the [NHS Complaint Standards](#). Read it alongside the [Model complaint handling procedure](#) and the other [Good complaint handling guides](#).

What guidance and standards are relevant to this guide?

- The [Complaint Standards](#) set out expectations to help you deliver good complaint handling in your organisation.
- The [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) set out what the law says you must do.
- The Health and Social Care Act 2008 (regulated Activities) Regulations 2014: [Regulation 16: Receiving and acting on complaints](#) and supporting guidance set out what the Care Quality Commission expects on complaint handling and reporting.
- The Data Protection Act and UK General Data Protection Regulations cover how organisations should capture, record and use data and personal information.
- All NHS organisations, and those that deliver NHS services, must submit an annual return of data on written complaints they have received. These returns are called the hospital and community health service complaints data (KO41a) and primary care (KO41b).

What the Complaint Standards say

Promoting a learning culture

- Appropriate governance structures are in place so that senior staff regularly review information that arises from complaints and are held accountable for using the learning to improve services. There are clear processes in place to show how organisations do this and this information is included in their annual report.
- Organisations take appropriate measures to capture feedback about the complaints process from those who make complaints and from the staff directly involved. They use this to demonstrate how the organisation has performed towards meeting the Complaint Standards and what users expect to see, as set out in My Expectations.
- Organisations routinely share learning from complaints with other organisations (both locally and nationally) to build on insight and best practice.
- Organisations that outsource the provision of NHS services to a contractor or private provider have meaningful strategic oversight of how these services are performing. They know how these organisations handle complaints and how they meet the expectations set out in the Standards.

What the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 say

At section 18, the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 say:

- (1) Each responsible body must prepare an annual report for each year which must
 - (a) specify the number of complaints which the responsible body received;
 - (b) specify the number of complaints which the responsible body decided were well-founded;
 - (c) specify the number of complaints which the responsible body has been informed have been referred to—
 - (i) the Health Service Commissioner [Parliamentary and Health Service Ombudsman] to consider under the 1993 Act; or
 - (ii) the Local Commissioner [Local Government and Social Care Ombudsman] to consider under the Local Government Act 1974; and
 - (d) summarise—
 - (i) the subject matter of complaints that the responsible body received;
 - (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled;
 - (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.
- (2) In paragraph (1), “year” means a period of 12 months ending with 31st March.
- (3) Each responsible body must ensure that its annual report is available to any person on request.

What the Care Quality Commission regulations say

Regulation 16 of The Health and Social Care Act 2008 (Regulated Activities) Regulations 2014, says:

16.2 The registered person must establish and operate effectively an accessible system for ... recording ... complaints

16.3 The registered person must provide the Commission, when requested to do so and by no later than 28 days ... a summary of –

- a. complaints made ...
- b. responses made ...
- c. any other relevant information in relation to such complaints as the Commission may request

What the Care Quality Commission's supporting guidance says

... Providers should monitor complaints over time, looking for trends and areas of risk that may be addressed ... Providers must maintain a record of all complaints, outcomes and actions taken in response to complaints. Where no action is taken, the reasons for this should be recorded.

... CQC can ask providers for information about a complaint; if this is not provided within 28 days of our request, it may be seen as preventing CQC from taking appropriate action in relation to a complaint or putting people who use the service at risk of harm, or of receiving care and treatment that has, or is, causing harm. This can include requests for details on how the process is administered and reviewed, including whether it has an independent review stage. The 28-day period starts the day after the request is received.

What the Data Protection Act and UK General Data Protection Regulations say

The Data Protection Act 2018 and the UK General Data Protection Regulations are highly relevant to how organisations capture, record and use data and personal information. Organisations should ensure that all relevant legal and regulatory requirements are followed to protect service users, staff and the organisation. You can find more advice at www.ICO.org.uk. Specific advice on how to anonymise data and letters is available [here](#).

What the NHS annual data collection on written complaints says

The data required for this collection are:

- organisation details and organisation site details
- summary of overall numbers of complaints
- age of patient
- status of complainant
- service area
- subject area of complaint
- profession.

What you need to do

This section takes you through the information and data you should capture and analyse from the complaints you receive. This is about using data to:

- create action plans
- help your organisation learn from complaints
- share learning with others
- report on learning in your annual report.

Capturing the right data

You should have a system that you can use to capture the data that you must share in your annual report. This data includes:

- the number of complaints you received – you can break this down into clinical areas or different services
- the number of complaints where you found that something went wrong
- a summary of the issues raised in each complaint to help you identify themes or trends
- any action taken to put things right for the person who complained and to improve services for others, with details of the person responsible for the action
- the number of complaints referred to the Parliamentary and Health Service Ombudsman or the Local Government and Social Care Ombudsman
- important issues that arose from complaints or complaint handling.

You should capture data on the performance of your complaints service, including:

- the number of complaints resolved using an ‘early resolution’ approach and the average time it took to resolve them
- the number of complaints considered through a ‘closer look’ approach and the average time it took to resolve them
- percentage of complaints dealt with within the timescale that you shared with the person who made the complaint at the start of the process
- feedback on your complaints service to demonstrate that you are meeting the expectations set out in the Complaint Standards from:
 - people who have complained and those that support them, such as NHS advocacy providers (see the practical tools section for NHS England’s survey toolkit)
 - any staff members complained about and involved in the complaints process, and
 - those delivering your complaints service.

It is also sensible to look at all sources of feedback on your service so that you can compile a complete picture of how your service is performing. This additional insight could include:

- compliments, thanks and positive feedback
- results of the friends and family test
- insight from patient safety or serious incident investigations
- claims data
- staff surveys
- feedback from patient experience groups and networks
- feedback from local NHS advocacy providers and Healthwatch
- social media comments
- data from staff grievances
- whistleblowing
- Freedom to Speak Up casework
- CQC and NHS England feedback surveys.

You may also want to capture and review demographic data on the people who use your service and who raise complaints. This will help make sure your services, and in particular your complaint service, are accessible and are meeting their needs. You should regularly engage with representatives from across your community to gather their views and feedback on how you are doing.

Please see the practical tools section for examples of reporting templates and tools.

Using the data: roles and responsibility

Senior staff are accountable for using learning from complaints to improve services. As part of this, they must regularly review the information that arises from complaints.

They should also have meaningful strategic oversight of any organisations that provide services on their organisation's behalf. This will make sure that everyone is meeting the expectations set out in the Complaint Standards.

Reviews of complaints data and the resulting insight should be a regular standing agenda item for partnership, senior leadership or board meetings.

A senior member of the organisation such as a senior partner, chief executive or non-executive board member, should be responsible for ensuring that the organisation learns from complaints. They should:

- familiarise themselves with the [NHS Complaint Standards](#)
- make sure the organisation, and any organisation that provides services on its behalf, has assessed how the organisation is currently performing against the Standards using the NHS Complaint Standards [organisational assessment tool](#)
- make sure the organisation, and any organisation that provides services on its behalf, has reviewed the [model complaint handling procedure](#) to identify any necessary changes to its own procedure to meet the Complaint Standards
- regularly meet staff who deal with complaints to fully understand the issues and barriers the organisation faces when dealing with complaints, and work with staff to overcome these
- make sure members of staff who deal with complaints are fully supported, resourced and trained, and know what is expected of them
- make sure the organisation has a robust system in place for capturing the data described in the section above and that appropriate audit and quality checks are in place
- review the data regularly (at least quarterly) to identify recurring themes and issues and any matters of general importance
- make sure that, where failings are identified, there is a clear action plan that sets out:
 - how the matter has been/will be put right for the individual
 - how the learning has been/will be embedded to improve services (if appropriate) and what that will look like once it is complete (see section below for further detail)
- regularly review action plans to make sure they are being/have been completed appropriately



review feedback on the way your organisation handles complaints and periodically meet with people who have made a complaint, those that support them (such as NHS advocacy providers), and staff members who have been complained about. This will help you identify areas for improvement.

Learning from complaints: action plans

If you identify learning from a complaint, put a clear plan of action in place. This will demonstrate to the people who use your service and the wider community that you have listened and learnt from the complaints you receive. Include in your action plans:



the specific actions you have taken or plan to take to remedy the failings (and any impact you identified) to stop them happening again



the name of the person or team responsible for completing each action



when the actions will begin, and when they will be completed



how you will make sure that the actions comply with relevant professional or appropriate standards



how you will involve the person(s) who has made the complaint (see below)



how and when you will review progress against the plan



how and when you will review completed actions to make sure they have been successfully completed



how you will monitor and audit the actions you have made to make sure any improvements to your service are maintained



how you will measure the impact of those actions so that you can prove to the individual(s) and wider community that you have learnt.

Tell the person who has made the complaint about the action you intend to take. Ask them how they would like to be kept informed and involved as the actions are carried out. Make sure you capture this in the action plan.

The person may agree to:

- assist with a review of guidance, policies or procedures
- contribute to the development of a training plan
- visit your organisation to see the changes in action
- share their story as part of organisational learning events or on your organisation's communication channels, such as your website
- take part in any monitoring or audit of improvements once they are complete.

You should make sure the person is satisfied that the actions you have taken, or plan to take, will lead to improvements in care and service so that the issues they complained about do not happen to someone else.

Sharing learning with others

The Complaint Standards recommend that you routinely share any learning from your complaints with other organisations (both locally and nationally) to build on insight and best practice. Some of the easiest ways to do that are to:

- publish what you have learned and the actions you have taken on your website
- share the information with your Integrated Care Board or any local or national networks you are part of.

Sharing learning in your annual report

Another way to share learning is in your annual report. The section above details the information you must include in your report but you can, and should, go further than that. You should highlight how you have used the insight from complaints to improve your services. This is a good way to share the learning for others to use. It also sends a clear message to people who use your service, staff and anyone reading it that your organisation takes complaints seriously. It shows that you welcome complaints and are willing to listen, learn and act on what people tell you to put right the mistakes you have made.

The NHS Complaint Regulations say that you must provide your annual report on complaints to any person on request. However, you should be more proactive and not wait for people to ask for it. Publish it on your website and share it with your key stakeholders. These will include:

- your Integrated Care Board
- local Healthwatch
- local NHS advocacy providers
- patient experience networks
- colleagues
- local community groups
- local press.

Practical tools

Healthcare Complaints Analysis Tool

The [Healthcare Complaints Analysis Tool \(HCAT\)](#) is a method for systematically analysing complaints and grouping key insights gathered from the thousands of experiences patients report to healthcare institutions every year. The tool is free to use. It allows staff to:

- codify and assess the problems reported in complaints
- grade their severity and the harm caused to patients
- identify where in the hospital system these problems occurred.

Surveying people who have complained

NHS England has published a model survey to measure the experiences of those who have made a complaint. It is based on [My Expectations](#), which underpins the Complaint Standards. You can find all these resources and the survey toolkit on the NHS England website: [Surveying people who make a complaint](#).

Patient Experience Library

The [Patient Experience Library](#) puts a wealth of patient experience evidence in one place that you can search free of charge. You can use its Patient Surveys Tracker to look at survey data for every NHS trust in England, and the service can also help you set up a library suitable for your own needs.

Writing action plans

The Ombudsman has published a short guide to [writing action plans](#) which includes a template and a checklist that you may find helpful.

If you would like this document in a different format, such as Daisy or large print, please contact us.

**Let's make
complaints
count!**

