

Framework for Involving Patients in Patient Safety consultation: response from the Parliamentary and Health Service Ombudsman

2 June 2020

1. Introduction

- 1.1 The Parliamentary and Health Service Ombudsman (PHSO) was set up by Parliament to provide an independent complaint handling service. It makes final decisions on complaints that have not been resolved by the NHS in England and UK Government departments and other public organisations. It looks into complaints where someone believes there has been injustice or hardship because an organisation has not acted properly or has given a poor service and not put things right.
- 1.2 PHSO shares findings from its casework to help Parliament scrutinise public service providers. It also shares findings more widely to help support improvements in public services and complaint handling.
- 1.3 PHSO welcomes the opportunity to provide feedback on the draft Framework for Involving Patients in Patient Safety, which will support NHS staff to improve patient safety through engagement with patients and their families and carers and joint working with Patient Safety Partners.
- 1.4 This response draws on learning from PHSO's complaints and engagement with its partners in the NHS. The majority of complaints received by PHSO are about the NHS in England and many of these complaints relate to patient safety issues and/or investigations. PHSO's casework provides a valuable source of insight to support NHS organisations and staff to learn from when things go wrong.

2. The Complaints Standards Framework

- 2.1 Over the past year, PHSO has been developing a Complaints Standards Framework for the NHS in partnership with the Health and Social Care Regulators Forum, NHS England and Improvement, and patient advocacy organisations. This will provide a single, shared set of standards for NHS staff to follow when handling concerns and complaints, as well as how we expect managers and leaders to capture learning to improve their service. PHSO plans

to publish a consultation on the Complaints Standards Framework later this year.

2.2 The Complaints Standards Framework will set out 4 core principles of an effective complaints system:

- Promotes and demonstrates a learning and improvement culture
- Goes out of its way to seek feedback
- Is thorough and fair
- Gives a balanced and open view

2.3 Complaints are a vital source of insight to support improvement in care quality and safety. Our research (due for publication later this year) has shown that, without effective training, staff can lack the skills to handle complaints appropriately and ensure the learning from complaints translates into concrete action to improve quality and safety.

2.4 Given the role of complaints in informing improvements in patient safety, PHSO recommends that the Framework for Involving Patients in Patient Safety references the Complaints Standards Framework and is consistent with its principles. This response sets out how the two frameworks could be more closely aligned.

3. PHSO's response to the draft Framework for Involving Patients in Patient Safety

3.1 PHSO welcomes the development of the new Framework for Involving Patients in Patient Safety in strengthening the role of patient engagement in patient safety. Alongside the Patient Safety Strategy and Patient Safety Syllabus, the Framework will help to ensure that a single, shared, approach to patient safety is embedded across the NHS.

3.2 Feedback in this response focuses on Section A of the Framework and primarily the sub-section on complaints and concerns.

3.3 PHSO welcomes the focus on the value of complaints in helping to improve patient safety and the quality of services. Complaints teams play a vital role in promoting patient safety. They often act as an advocate for patients and their families and carers by sharing patient safety concerns with the patient safety investigation team. Complaint teams can also deal with issues that fall outside the scope of a patient safety incident and take action to resolve them and put things right for the patient (e.g. through an explanation or apology.)

3.4 PHSO wants to ensure that complaints processes are aligned with other patient safety processes (e.g. patient safety investigations, clinical negligence claims, and whistleblowing procedures) to provide a more unified approach to patient safety that places the needs of the patient and their family at the forefront. It is recommended that patient safety investigation teams work in partnership with complaints teams to develop a joint plan for dealing with patient safety incidents and the investigations and complaints that may follow.

- 3.5 PHSO is pleased to see the strong emphasis placed on the value of listening to patients and encouraging them to share feedback and concerns. This will be a key focus of the Complaints Standards Framework. By developing a positive feedback culture, patients and their families and carers will find it easier to discuss their views and experiences in an open and responsive environment and for this to be acted on by staff.
- 3.6 Some patients, especially older, more vulnerable patients, may face barriers in sharing feedback and choose not to complain because they believe this may affect their care or treatment. PHSO agrees that clear processes need to be put in place to ensure that patients and their families are encouraged to ask questions and supported to speak up and share their feedback. These should take into account the vital role that families and carers play in supporting patients and advocating for them, for example when a patient has become seriously unwell. The Framework could be strengthened further by setting out the role of local Healthwatch and advocacy organisations. Through providing advocacy for local patients and their families, they are able to collate and provide feedback on systemic issues affecting local NHS trusts.
- 3.7 NHS Trusts should ensure that patient and family testimony is given equal weight and consideration to that of NHS organisations when responding to complaints or patient safety incidents. PHSO's recent Clinical Advice Review highlighted several issues in relation to how evidence should be balanced. Complainants felt that their evidence was given less weight than that of the organisation complained about, and caseworkers suggested that it was often difficult to balance evidence from both sides of the complaint due to organisations having more contemporaneous written evidence to draw on. PHSO has recently published [guidance on considering and assessing evidence](#), which includes taking full account of both the complainant's and organisation's evidence and considering all evidence without bias. All PHSO casework staff are being trained in this new approach.
- 3.8 PHSO's casework shows that a culture of learning is essential in supporting improvement in patient safety. We are therefore pleased to see the importance of a learning and improvement culture woven throughout the Framework. Concerns and complaints offer a vital opportunity for an organisation to develop and improve its service and people. Complaints staff should look to identify any learning that can be taken from a complaint or concern, even if no mistakes are identified, as they can reveal how an organisation can strengthen and improve their service regardless of the outcome.
- 3.9 PHSO recommends that effective governance arrangements are put in place to coordinate all responses to patient safety incidents. All intelligence about an organisation's performance, including feedback and complaints, should be captured, recorded and published to build a detailed picture of how well services are operating and what people experience when using them. This should be brought together through effective joint working arrangements to

ensure that all feedback relating to patient safety processes (e.g. complaints, claims, duty of candour) is considered in the round.

- 3.10 The Framework sets out a clear process for formulating local complaints policies drawing on the NHS England Complaints Policy. The Complaints Standards Framework will put forward a local complaints model that can be tailored by each NHS organisation to suit its local context. It will set out a three-stage approach that focuses on resolving issues early, carrying out a detailed look into the complaint, and referring the issues to the Ombudsman or another body that can provide individual or group redress.

4. Next Steps

- 4.1 PHSO would be happy to work with NHS England and Improvement to inform the next iteration of the Framework for Involving Patients in Patient Safety and ensure that this is aligned with the Complaints Standards Framework.
- 4.2 PHSO would also welcome engaging on the development of training on patient engagement, drawing on the work that it is currently undertaking with the Academy of Medical Royal Colleges and NHS Resolution to inform learning modules for the Patient Safety Syllabus. The Complaints Standards Framework is the first step in professionalising the role of complaint handling in the NHS. PHSO will be publishing guidance on how NHS staff can embed these principles in their day-to-day work and this will be used to design future training modules and accreditation.