NHS Complaint Standards

Summary of expectations

Pilot
Spring 2021
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About the NHS Complaint Standards

The NHS Complaint Standards set out how organisations providing NHS services should approach complaint handling. They apply to NHS organisations in England and independent healthcare providers who deliver NHS-funded care.

The Standards aim to support organisations in providing a quicker, simpler and more streamlined complaint handling service, with a strong focus on early resolution by empowered and well-trained staff. They also place a strong emphasis on senior leaders regularly reviewing what learning can be taken from complaints, and how this learning should be used to improve services.

The Complaint Standards are based on My Expectations, which set out what patients expect to see when they make a complaint about health or social care services. The Standards and the guidance modules describe how staff can meet those expectations.

The Standards are being tested in pilot sites in 2021 and will be refined and introduced across the NHS in 2022.
We are extremely grateful for the input and advice given by advocates, complaints and claims managers, patients and many others, all of whom gave up their valuable time to help us.

Working in partnership to build the NHS Complaint Standards

A group of organisations across the health sector in England worked together to help create the NHS Complaint Standards design and content:

- Action against Medical Accidents (AvMA)
- Carers Federation
- Care Quality Commission
- Dental Complaints Service
- Department for Health and Social Care
- General Dental Council
- General Medical Council
- General Optical Council
- General Pharmaceutical Council
- Health and Care Professions Council
- Healthwatch England
- Independent Sector Complaints Adjudication Service
- NHS England
- NHS Improvement
- NHS Resolution
- Nursing and Midwifery Council
- Parliamentary and Health Service Ombudsman
- Patients Association
- POhWER
- The Advocacy People (formerly seAp Advocacy)
- VoiceAbility
Why we need the Complaint Standards

Good complaint handling provides a direct and positive connection between those who provide services and the people who use them. Complaints offer a rich source of learning to help improve services for everyone.

This is particularly true for NHS organisations, which provide services that so many people rely on – often at critical times of need.

It is important that:

• organisations promote a just and learning culture, in which complaints are welcomed and handled well
• staff have the skills and experience they need to be confident in handling complaints
• people using NHS services know how to give feedback or make a complaint, can get support when they need it, and are confident their concerns are taken seriously and addressed
• people making complaints about NHS services get a consistent, positive experience each time
• staff being complained about are supported and involved throughout the process.

It can often be difficult for staff to achieve these aims because:

• many organisations do not actively promote a just and learning culture, failing to ensure complaints are welcomed and used as a valuable source of learning
• there is no single set of guidelines for managing complaints about NHS services
• staff cannot always get the right training and support to handle and resolve complaints
• managers and leaders approach learning from complaints in different ways
• people making complaints do not get a consistent, positive experience, and do not always feel that their concerns are taken seriously and addressed.

This can lead to a culture in which complaints are feared or ignored, rather than embraced. As a result, staff can feel unsupported in this important and complex area of work.

The NHS Complaint Standards are the first step towards addressing these issues. They are supported by a model complaint handling procedure and detailed guidance on how each expectation can be applied in practice. These will be used to develop a professional skills training and support programme for all staff delivering NHS services.
Benefits of the Complaint Standards

The Complaint Standards set out a single vision for staff and NHS service users (and the people who support them) of what is expected when a complaint is raised. This will help make sure everyone experiences a culture that seeks out learning from complaints, and meets the outcomes set out in My Expectations.

The Standards are the first step towards recognising complaint handling as a professional skill. They will set a clear path for all services to harness the rich learning that comes from feedback and complaints to help improve services for the benefit of all.

By adopting the Standards, NHS staff will be able to address and resolve more complaints at the earliest opportunity, which will benefit everyone involved. The Standards will help make sure that staff take learning forward to improve services for future users.

Earlier resolution of complaints will also reduce the possibility of complaints becoming legal claims or being referred to the Ombudsman. This can save financial and emotional costs for everyone.

The Complaint Standards will promote better accountability and openness through a just and learning culture, and better communication between providers and the public, leading to improvements in services.

They will guide organisations of all sizes so they can put the right structures and systems in place to capture and examine learning, and gain true insight into how people experience their services.

The Complaint Standards, combined with training and further guidance, will see more organisations following similar processes across the country. This will lead to a better, more consistent approach to complaint handling across organisations delivering NHS services. It will also result in more effective reporting and learning from complaints.
Other NHS complaint handling requirements

The Complaint Standards work alongside several other important requirements for NHS staff.

The NHS Constitution

The Complaint Standards will help bring greater consistency to the delivery of several important aspects of the NHS Constitution. In particular:

Article 1: NHS organisations provide a comprehensive service, available to all. The NHS has a duty to each and every individual that it serves, and it must respect their human rights. This also relates to providing a comprehensive complaint handling service.

Article 4: The NHS will actively encourage feedback from the public, patients and staff, welcome it and use it to improve its services.

Article 5: NHS organisations work in partnership with other organisations in the interest of patients, local communities and the wider population. This also relates to working across organisational boundaries to respond to complaint issues.

Article 7: The NHS is accountable to the public, communities and patients that it serves - this is seen clearly and consistently via its handling and response to learning from complaints.

Duty of Candour

The Complaint Standards support the Duty of Candour’s approach to ensuring NHS organisations are open and transparent when harm appears to have been caused, or may have resulted from an incident. The Standards place emphasis on NHS staff applying the same principles if relevant concerns are identified during the handling of a complaint.

The Complaint Standards also support the approach to providing meaningful apologies and transparent explanations. They make it clear that an apology does not mean acceptance of legal liability.

Ask Listen Do

The Complaint Standards support work to make sure NHS organisations make it easier for children, young people and adults with a learning disability, autism or both, to access the complaints system. They will promote best practice to make sure NHS organisations learn from complaints to improve the experiences of people with a learning disability, autism or both, and make it easier for families and paid carers to complain.

NHS Complaint Regulations

The Complaint Standards align with all the legal requirements arising from the NHS Complaint Regulations and other subsequent regulations that relate to complaint handling.
Definitions

We use the following definitions in the Complaint Standards:

Feedback: an opinion, whether invited or spontaneous, that can be positive, negative or neutral.

Complaint: an expression of dissatisfaction - either spoken or written - that requires a response. It can be about an act, omission or decision made, or the standard of service provided. These definitions should be considered within the context of ‘no issue is too big to be a concern and no issue is too small to be a complaint’.

Staff: all staff providing NHS-funded services whose role involves them interacting with people who use, or support others to use, their service. This covers all clinical and non-clinical staff who have a public-facing role. It also covers private healthcare providers when they are delivering NHS-funded healthcare.

Senior staff: those who are responsible for leading the NHS organisation, and/or who have senior responsibility for how the organisation handles feedback and complaints and learns from them.

Complaints staff: staff who have a specific responsibility to look into and investigate complaints. This may be as part of their existing role, or dedicated complaints staff whose main responsibility is to handle feedback and complaints within their organisation.

NHS organisations: any organisation that provides NHS-funded services, including private healthcare providers when they are delivering NHS-funded healthcare.
Complaint Standards at a glance

An effective complaint handling system...

Welcomes complaints in a positive way, and recognises them as important insight into how to improve services. It creates a positive experience by making it easy for people to make a complaint. Staff have the freedom to resolve issues quickly and to the satisfaction of everybody.

Is thorough and fair when looking into complaints and gives an open and honest answer as quickly as possible in light of the complexity of the issues. It makes sure people who make complaints - and staff involved in the issues - have their say and are kept updated when carrying out this work. It always makes sure people can see what staff are doing to look into the issues in a fair and objective way based on the facts.

Gives fair and accountable responses that cover what happened and whether mistakes occurred or not. Each response recognises the experience of everybody concerned to ensure a culture of learning and accountability. The system makes sure staff have the confidence and freedom to offer fair remedies to put things right when needed, and to take action to make sure any learning is identified and acted on to improve services.

Promotes a just and learning culture through all the above, and by supporting the entire organisation to see complaints as an opportunity to develop and improve its services and people. It sets clear expectations to embed an open, non-defensive approach to learning from complaints. The organisation regularly talks to its managers, leaders and the public about what it has learnt from complaints and how it has used learning to improve services for everyone. Staff receive regular support and training to deliver best practice in handling complaints.
Positive feedback

Being thorough and fair

Promoting a just and learning culture

Welcoming complaints in a positive way

Giving fair and accountable responses

Being thorough and fair

Promoting a just and learning culture

Welcoming complaints in a positive way

Giving fair and accountable responses

Being thorough and fair

Promoting a just and learning culture
Promoting a just and learning culture

An effective complaint handling system promotes a culture that is open and accountable when things do not go as they should. It creates an environment where staff feel supported and empowered to learn when things do not go as expected, rather than feeling blamed.

It uses learning to improve its services and makes sure every member of staff knows their role in promoting a just and learning culture. It puts in place clear ways to demonstrate how the organisation uses learning to improve.

- Senior staff make sure every member of staff knows how they can create and deliver a just and learning culture in their role. Staff can demonstrate how they meet these objectives through practical examples.
- Every organisation has appropriate governance structures in place to ensure that senior staff review information arising from complaints regularly, and are held accountable for making sure that the learning is acted on to improve services.
- Organisations make sure staff are trained to identify complaints in a way that meets the expectations set out in the Complaint Standards.
- Organisations have clear processes in place to show how they capture learning from complaints, and use it to improve services. In their annual report, organisations provide details of what learning they have identified in complaints and how they have used it to improve their services. This information is easy to compare with that of other organisations.
- Organisations put measures in place to capture feedback from those who make complaints (as well as the staff involved) on their experience. 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.
- Staff are trained to identify those complaints where mistakes have been made that may have resulted in significant impact. Staff ensure these mistakes are reviewed through the organisation’s Duty of Candour processes. Organisations routinely share learning from complaints with other organisations (both locally and nationally) to build on insight and best practice.
Welcoming complaints in a positive way

An effective complaint system goes out of its way to create a positive environment in which complaints are welcomed and resolved at the earliest opportunity. People know how to complain and can do this easily and without fear that it will affect their care.

People have confidence that their complaint will be taken seriously, looked at with empathy and answered as quickly as possible.

- All staff have the freedom to actively promote how people can make a complaint and use this to identify and resolve issues quickly. Staff receive training in how to do this and make sure people are being listened to and treated with empathy, courtesy and respect.

- Organisations make sure people know how to access advice and support to make a complaint, including giving details of appropriate independent complaints advocacy and advice providers, any Patient Advice and Liaison service (PALS), and other support networks.

- Organisations make sure staff who are subject to a complaint are made aware of the issues at the earliest opportunity, and are given details of how to get advice and support throughout the process.

- Organisations actively reassure people who use their services that their care will not be compromised if they make a complaint.

- Organisations clearly advertise how people can raise complaints in a way that suits them and meets their specific needs. Organisations offer a range of ways people can complain, including online. It is easy for everybody to understand how the process works, including who can make a complaint and what will happen next.

- Each stage in the complaints procedure is responsive to the needs of each individual. Every stage meets the needs of minority and vulnerable groups and makes reasonable adjustments where required.

- Organisations make sure staff are able to identify when issues raised in a complaint are likely to be addressed (or are being addressed) via another route, so a co-ordinated approach can be taken. Other possible routes include inquest processes, a local disciplinary process, legal claims or referrals to regulators. Staff know when and how to seek guidance and support from colleagues and are able to provide people with information on where they can get support.
• Staff make sure they respond to complaints at the earliest opportunity. Staff consistently meet expected timescales for acknowledging a complaint. They give clear timeframes for how long it will take to look into the issues, taking into account the complexity of the matter.

• Organisations regularly promote their wish to hear from their users and promote how they use learning from all feedback (including complaints) to improve services.
Being thorough and fair

An effective complaints system makes sure staff take a thorough, proportionate and balanced look into the issues raised by a complaint. It makes sure people receive a fair and open answer to their questions based on the facts, and takes full accountability for mistakes identified.

- Organisations make sure staff are properly trained and have the appropriate level of experience and authority to look into complaints thoroughly.

- Organisations make sure all staff who look at complaints have the appropriate resources, support and protected time to do so in order to meet these expectations consistently.

- All staff who handle complaints do so fairly. Where possible, organisations make sure they assign complaints to staff who have had no prior involvement or who have no actual or perceived conflict of interest. Where this is not possible, staff take clear steps to demonstrate how they have looked at the issues fairly.

- Organisations publish a local complaints procedure that meets the Complaint Standards and all relevant complaint handling Regulations. Each procedure clearly sets out how staff will handle complaints and which quality standards and behaviours they are expected to follow when doing so.

- Staff actively listen and demonstrate a clear understanding of what the key issues are for the individual, and what outcomes they seek.

- Staff make sure everyone involved in a complaint (including staff) knows how they will look into the issues. This includes what information complaints staff will need, who they will speak to, who will be responsible for providing the final response and how they will communicate their findings.

- Staff will agree timescales with everyone involved and will agree how people will be kept informed and involved. Staff provide regular updates throughout.

- At all times, staff have the freedom to look for ways they can resolve complaints at the earliest opportunity.
• Staff make sure everyone involved in a complaint has the opportunity to give their views and respond to emerging information. Staff act openly and transparently and with empathy when discussing this information, making sure they take everyone’s comments into account.

• In complaints that involve multiple organisations, local complaints procedures identify and set out the roles and responsibilities of a ‘lead organisation’ and the other organisations involved to deliver a co-ordinated investigation and a comprehensive response.
Giving fair and accountable responses

An effective complaints handling system enables staff to give a fair and balanced account of what happened and what conclusions they have reached.

Organisations openly identify instances when things have gone wrong, or where services have had an unfair impact, and take responsibility for these.

They make sure staff can offer a range of ways to put things right for the individual. Staff also look at what action will be taken to learn from the experience to continuously improve services and help support staff.

- Staff give a clear, balanced account of what happened based on established facts. Each account compares what happened with what should have happened. It gives clear references to any relevant standards, policies or guidance, based on objective criteria.

- In more complex cases, staff make sure they share their initial views on a complaint with everybody involved, and give people the opportunity to respond. Staff make sure they take these comments into account in their final response to the complaint.

- Organisations make sure staff are supported and encouraged to be open and honest when things have gone wrong or where improvements can be made. Staff balance the need to be accountable for their actions, to identify what learning can be taken from a complaint, and how the learning will be acted on to improve services and support staff.

- Wherever possible, staff explain why things went wrong and identify suitable ways to put things right for people. Staff make sure the apologies and explanations they give are meaningful, sincere, and openly reflect the impact on the individual or individuals concerned.

- Organisations empower staff to identify suitable ways to put things right for people who raise a complaint. Organisations provide guidance and resources to make sure any proposed action to put things right is consistent.

- For complaints that involve multiple organisations, the lead organisation provides a single response to the complaint. This includes what the other organisations have done to look into the issues and the conclusions they reached. Where necessary, the response clearly explains how each organisation will remedy any mistakes it made.
• Organisations make sure people are kept involved and updated on how the organisation is taking forward all learning or improvements relevant to their complaint.

• Staff make sure everyone is told about their right to complain to the Ombudsman in the written final response to a complaint.
My Expectations: What complainants will see when organisations apply the Complaint Standards

1. Considering a complaint
   - I knew I had a right to complain
   - I was made aware of how to complain (when I first started to receive the service)
   - I understood that I could be supported to make a complaint
   - I knew for certain that my care would not be compromised by making a complaint

2. Making a complaint
   - I felt that I could have raised my concerns with any of the members of staff I dealt with
   - I was offered support to help me make my complaint
   - I was able to communicate my concerns in the way that I wanted
   - I knew that my concerns were taken seriously the very first time I raised them
   - I was able to make a complaint at a time that suited me

3. Staying informed
   - I always knew what was happening in my case
   - I felt that responses were personal to me and the specific nature of my complaint
   - I was offered the choice to keep the details of my complaint anonymous and confidential
   - I felt that the staff handling my complaint were also empowered to resolve it

4. Receiving outcomes
   - I received a resolution in a time period that was relevant to my particular case and complaint
   - I was told the outcome of my complaint in an appropriate manner, in an appropriate place, by an appropriate person
   - I felt that the outcomes I received directly addressed my complaint(s)
   - I feel that my views on the appropriate outcome had been taken into account

5. Reflecting on the experience
   - I would complain again, if I felt I needed to
   - I felt that my complaint had been handled fairly
   - I would happily advise and encourage others to make a complaint if they felt they needed to
   - I understand how complaints help to improve services

NHS Complaint Standards: Summary of expectations
Let’s
#MakeComplaintsCount