

Integrated Care Board

Date of meeting	8 November 2023
Title of paper	Complaints (Patient Experience) Annual Report 2022/23
Presented by	Professor Sarah O'Brien, Chief Nursing Officer
Author	David Brewin, Head of Patient Experience
Agenda item	17
Confidential	No

Executive summary

All NHS organisations with a duty to handle complaints are required to submit an Annual Report to the Department of Health and Social Care (DHSC) each year. This report presents to Board the Annual Report for 2022/23 (Appendix 1), outlines complaint activity from April -September 2023, and sets out future priorities for the ICB Patient Experience Team.

The first half of 2023/24 has seen significant changes in the volumes and types of complaints the ICB has handled. In particular, the delegation of primary care complaints from NHSE in July 2023 has led to a considerable increase in activity which is causing operational pressures within the Patient Experience Team.

The report seeks to:

- **Assure** Board that we have a Patient Experience function that discharges the ICB legal duties pertaining to complaints and have produced an Annual Report for 2022-23 that can be submitted to the DHSC.
- **Advise** Board of complaint activity for April-September 2023 and that Public Involvement Engagement and Advisory Committee (PIEAC) receive regular reports relating to complaints and Quality Committee would also receive relevant learning from complaints.
- **Alert** Board to the delegation of primary care complaints from NHSE since July 2023 and the risk that the volume of activity is significantly higher than anticipated during this transition. PIEAC will oversee a deep dive in to this risk.

Recommendations

The Board is asked to:

1. Note the contents of the report.
2. Agree for the Annual Complaint Report for 2022/23 to be submitted to DHSC.
3. Note the significant rise in primary care complaints and that PIEAC has commissioned a deep dive.
4. Endorse the priorities identified for the Patient Experience Team.

Which Strategic Objective/s does the report relate to:		Tick
SO1	Improve quality, including safety, clinical outcomes, and patient experience	✓

SO2	To equalise opportunities and clinical outcomes across the area	
SO3	Make working in Lancashire and South Cumbria an attractive and desirable option for existing and potential employees	
SO4	Meet financial targets and deliver improved productivity	
SO5	Meet national and locally determined performance standards and targets	
SO6	To develop and implement ambitious, deliverable strategies	

Implications

	Yes	No	N/A	Comments
Associated risks	✓			
Are associated risks detailed on the ICB Risk Register?	✓			Held on a Nursing and Quality functional risk register.
Financial Implications		✓		Not directly arising from this report.

Where paper has been discussed

Meeting	Date	Outcomes
Public Involvement and Engagement Advisory Committee (PIEAC)	6 September 2023	PIEAC considered the Annual Report rather than this paper. The Annual Report was agreed.
Executive Management Team	31 October 2023	Board report approved

Conflicts of interest associated with this report

None.

Impact assessments

	Yes	No	N/A	Comments
Quality impact assessment completed			✓	
Equality impact assessment completed			✓	
Data privacy impact assessment completed			✓	

Report authorised by:

Sarah O'Brien, Chief Nursing Officer.

Integrated Care Board – 8 November 2023

Complaints (Patient Experience) Annual Report 2022/23

Introduction

- 1.1 Complaints referred to in this report are those handled in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 where the ICB is treated as the 'Responsible Body'. Complaints received by the ICB are a combination of complaints about the actions and omissions of the ICB itself and our commissioned providers. It is a legal requirement for the ICB to publish and submit to the DHSC an Annual Complaints Report.
- 1.2 Prior to establishment of the ICB, the CCGs across Lancashire and South Cumbria (LSC) had different approaches to how they discharged their legal duties regarding complaints handling. Most used MLCSU for this function and a couple had an inhouse team. The ICB has in housed the MLCSU team and established an ICB Patient Experience function that is a single, unified team covering LSC. The scope of the service is complaints, PALS enquiries and letters from constituency MPs. The Executive lead is the Chief Nursing Officer.
- 1.3 The PALS service is the 'front door' to the complaints team and resolves concerns quickly and informally where possible. They also provide information and advice to patients and their families.
- 1.4 Letters from MPs are a combination of complaints from constituents about their care, other general queries raised by constituents but not handled as complaints and correspondence from MPs themselves typically about funding or strategy or other local health and care topics.
- 1.5 The aim of this report is to present to the Board the ICB inaugural Annual Report covering the period from the inception of the ICB on 1 July 2022 until 31 March 2023 and to gain support for submission to the DHSC. Secondly, the report presents a summary of activity for the period 1 April 2023 to 30 September 2023 with a focus on the introduction of Primary Care complaints from 1 July 2023 onwards. Thirdly the report sets out some key future priorities for the patient experience team.

2. Annual Report 2022/23

- 2.1 The Annual Report is presented at Appendix 1 and has been reviewed and supported at the September Public Involvement and Engagement Advisory Committee (PIEAC). Given that the ICB was formed on 1st July 2022 and that the single ICB Patient Experience team was only established from January 2023,

this year's report is purposefully succinct and designed to be a summary. Future Annual Reports will contain more analysis of themes and trends and have a focus on learning and improvements for our patients.

- 2.2 PIEAC regularly receive updates on complaints and Quality Committee also have a role in triangulating learning and themes from complaints with learning from incidents and other sources. The volumes and types of contact outlined in the 2022/23 Annual Report are in line with expectations based on our understanding of our predecessor CCG bodies and ICBs elsewhere. Following review at PIEAC it is recommended to Board that the Annual Report is now submitted to the DHSC.

Complaint Activity April – September 2023 and the Delegation of Primary Care Complaints from NHSE.

- 2.3 Activity is reported bi-monthly to PIEAC. From this it is possible to demonstrate how demand has changed from the establishment of the ICB.

Type	Monthly Average 2022/23	Monthly Average Q1 2023/24	Monthly Average Q2 2023/24	Percentage Change from 2022/23 to Q2 2023/24 +/-
Complaint	42	38	129	+ 207%
MP Letter	22	32	26	+18%
PALS Enquiry	73	70	163	+123

- 2.4 The types of complaint we have received can be split into four categories:
- The actions or omissions of the ICB as a corporate entity.
 - ICB activity for individual patients, most notably NHS Continuing Healthcare for Adults and Continuing Care for Children and Young People.
 - Commissioned secondary care providers.
 - Primary care services. This was delegated from NHSE on 1 July 2023.

Reporting Period	ICB	All Age Continuing Care	Secondary Care Provider	Primary Care
April - May 2023	12	10	45	6
June – July 2023	17	16	50	59
August – September 2023	23	12	62	187

- 2.5 This demonstrates the growth is mostly attributable to primary care. Further analysis indicates that within the primary care category 58% are about General Practice and 38% Dentistry. The remainder are a combination of Pharmacy and Ophthalmology. Dental complaints are predominantly about access with the single most common complaint being that people cannot register with an NHS dentist. GP complaints are about the full spectrum of activity with no specific theme evident. The volume of primary care complaints is significantly higher than we anticipated and is causing unsustainable pressure within the team. This challenge has been alerted to PIEAC and a deep dive has been requested by the committee.

- 2.6 NHSE have established a 'Regional Oversight Group' for the North West to monitor how ICBs are managing primary care complaints and enquiries since they were delegated. The ICB are actively involved and managed the transition well. We adopted an integrated model from the outset, so all our staff handle all complaints, we have a single 'front door' and all the data is captured on one system. NHSE are assured of our approach, and we have worked with them constructively throughout. However, there is an inevitable risk that handling times will suffer because of the increased volumes of primary care complaints, NHSE are aware and will support the deep dive for PIEAC.
- 2.7 The ICB function is a comparatively small part of the overall picture for primary care complaints across our system as most complaints are still handled directly by providers. A national data set is due to be published soon which will set out the numbers received and outcomes for 2022/23. For GP complaints this is reported down to practice level. Anecdotally, we are hearing that practices are experiencing similar increases in complaints and are struggling to respond within national timescales.
- 2.8 The ICB will now adopt the same KPIs for all our complaints. This will continue to be reported to PIEAC and onward to the ICB Board. These bi-monthly reports will pick up any themes, trends and learning as well as KPI returns.

Future Complaints and Patient Experience Priorities

- 2.9 The ICB Patient Experience Function has focussed on establishing a new team and dealing with the challenge of high and growing caseloads. However, they have also identified priorities that will be progressed during 2023/24 and beyond. These can be summarised as:
- **Understanding, influencing, and improving complaint handling in our Trusts.** Complaint handling does not always work well across the system. As an initial step there will be a benchmarking exercise starting in November 2023 to establish a baseline. A group will be convened to analyse results and agree actions to ensure complaints are used to monitor quality and performance and demonstrate how intelligence is used to inform commissioning and priorities. This will be reported back through PIEAC.
 - **Working with All Age Continuing Care colleagues to improve complaint handling.** Now this serviced has been in housed there is scope to improve speed, quality and learning from the complaints we receive.
 - **Focus on learning.** Through complaint investigation, we routinely identify learning. The goal is to better ensure this is implemented with greater evidence that it leads to tangible change.
 - **Moving from response to resolution.** We are currently focused on delivering the statutory service and ensuring patients receive a fit for purpose response. The longer-term aspiration is to genuinely resolve the problems people complain about.

3 Conclusion

- 3.1 The ICB is committed to understanding the experience of patients, their families and unpaid carers who access all our NHS services and using what they tell us to change and improve services. We welcome complaints as an opportunity to understand our services better and a chance to learn.
- 3.2 This report sets out our activity from day one of the ICB, explains that we have taken on a new, delegated duty to handle Primary Care complaints and alerts Board to the operational pressures this has created and identifies future priorities for the ICB and the wider system.

4 Recommendations

The Board is asked to:

- 1. Note the contents of the report.
- 2. Agree for the Annual Complaint Report for 2022/23 to be submitted to DHSC.
- 3. Note the significant rise in primary care complaints and that PIEAC has commissioned a deep dive.
- 4. Endorse the priorities identified for the Patient Experience Team.

David Brewin, Head of Patient Experience

20 October 2023

Lancashire and South Cumbria Integrated Care Board (ICB)

Annual Report July 1 July 2023- 31 March 2023

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1. Introduction

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require that each 'Responsible Body' produces an Annual Complaints Report and submits it to the Department of Health and Social Care. Regulation 18 sets out what the report must cover. This report satisfies those requirements for NHS Lancashire and South Cumbria Integrated Care Board (ICB)

2. Complaints and MP Letters – Background and Introduction

All patients or their representatives who are dissatisfied with a service that is funded or provided by the NHS have a right to make a complaint. Lancashire and South Cumbria ICB actively encourage patients and their families to complain when they are unhappy with the service, care, or treatment they receive. Some patients complain to the ICB about something we have done or a decision we have

made. Others will have a choice about whether to complain directly to the provider of their care services or to the commissioner.

This means people who use a range of services in our local hospitals, health centres or in their own homes could choose to make a complaint to the ICB. The role of commissioners is set out in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and is reinforced by national guidance. NHS Lancashire and South Cumbria ICB has published a Complaint Policy which is designed to support us to ensure that all complaints are well managed; the learning from complaints is identified and used for improvement; and complaints services are accessible, open, and transparent.

We explain how to complain to us on our website and we offer patients the choice to complain by telephone, post, email, or an online form.

We also receive correspondence from our local MPs. This comes in three distinct types. Firstly, enquiries that come directly from MPs about any aspect of local health policy, funding, or services. These enquiries are responded to in a letter with the information and explanations requested. Secondly, some constituents approach their MP with an enquiry or concern about their NHS care and these are forwarded to the ICB for us to respond. Thirdly, our residents make formal complaints through their MPs. We treat these in the same way as a complaint directly from a patient and they are investigated and responded to in line with the legislation.

3. Complaints

The table below shows the number of complaints and MP letters relating to individuals received from the inception of the ICB on 1 July 2022 and 31 March 2023 by quarter.

Quarter	Complaints	MP Letters
Quarter Two	138	77
Quarter Three	130	55
Quarter Four	114	68
Total for ICB	382	200

4. Complaint and MP Outcomes

227 complaints and 151 MP enquiries were concluded between July 2022- March 2023 . Some of these are resolved informally without a response letter and some result in an administrative closure, for example where we do not secure consent, or the complaint is responded to by another organisation.

Outcome of Complaints	Number
Complaint Not Upheld	67
Complaint Partially Upheld	34
Complaint Upheld	31
Totals	132

Of the 132 complaints with these recorded outcomes, 67 were not upheld and 65 either fully or partly upheld. The Regulations require that we report the number of complaints that are ‘well founded’ in the Annual Report. For these purposes, we consider that complaints that are fully or partly upheld meet that definition. This decision is made by each complaint handler with support from their manager and recorded on the complaint file.

5. Complaints Performance

We currently measure breaches of the statutory limits of three days to acknowledge a complaint and 26 weeks to respond. The Patient Experience service is the single point of contact for complainants and their representatives, and the service keep them updated throughout.

Indicator	Total
Breaches of acknowledgment within 3 working days	9
Breaches of duty to respond within 6 months	12

6. Patient Advice and Liaison Service

The Patient Advice and Liaison Service (PALS) is an informal, confidential, help and advice service for patients, their families, and unpaid carers. It helps people when they need advice, have concerns, or do not know where to turn. It can help to prevent lengthy formal complaints by swift action to resolve concerns. PALS can help with queries about the full breadth of services commissioned by the ICB. Our PALS team can be contacted in a variety of ways and between 1 July 2022 and 31 March 2023, we received 657 PALS enquiries.

7. Learning from Complaints

Lancashire and South Cumbria ICB views complaints as an opportunity to learn and improve. When we resolve a case we always try to identify tangible changes as a result of a complaint. This could be a change for that individual patient or a wider improvement to a service. We share it with complainants as part of the response letter and it is held on the complaint file. During 2023/24 we plan more work to capture and implement learning from dissatisfied patients. Examples of learning from complaints resolved in 2022/23 are below:

You Said	We did
I am concerned about the difficulties my three elderly relatives have experienced when trying to access GP care when they live in a care home setting. I believe this is a wider problem experienced by many other patients.	We contacted the care home on receipt of your concerns to ensure no immediate clinical intervention was required. Our Vulnerable Adult Lead also spoke at length to the Care Home Manager and the GP practice to better understand the issue. The matter has also been escalated to the PCN Clinical Lead. As an ICB, we will remain in discussion with all parties to ensure a consistent approach to the Enhanced Healthcare in Care Homes (EHCH) by all PCNs aligned to the delivery model in Lancashire and South Cumbria.

<p>It was very difficult to find out where my 10-year-old son could receive a COVID-19 booster vaccine. When I did attend a site, they redirected me somewhere else.</p>	<p>We acknowledged the frustration this experience caused and provided further explanation as to why the initial site was unable to offer your son a vaccine. We also acknowledged that our website did not clearly explain how patients could locate and access an appropriate COVID-19 vaccine for each age group. We have now updated our website to allow patients to search for this information.</p>
<p>I dispute the way my mother's CHC reimbursement has been calculated and believe there are outstanding funds which have not been taken into consideration.</p>	<p>We extended our apologies for any confusion caused and provided a detailed breakdown as to how the reimbursement calculation had been reached. We accepted that you had not been appropriately informed that we had withheld 20% of the indexation element and the reasons for this. We have therefore fed this back to staff and amended our reimbursement letters to include the information about HMRC deductions to ensure calculations are fully understood.</p>

8. The Parliamentary and Health Service Ombudsmen (PHSO)

The complaints process in England has two stages. The first is called 'local resolution' and includes our complaint response, any meetings we hold with complainants and cases that are reopened and considered a second time. When local resolution comes to an end every complainant has a right to approach the PHSO to request a review of any aspect of how a complaint was handled. The PHSO will then decide whether to consider the case or not.

No cases were sent to the PHSO between 1 July 2022 and 31 March 2023.

9. Summary

This report is a short summary of activity and outcomes for 2022/23. Our Patient Experience team changed from 1 July 2023 to become a single, unified service made up staff transferred from NHS Midlands and Lancashire Commissioning Support Unit and NHS England. The scope of the service also extended to encompass complaints about Primary Care made to the commissioner. Our 2023/24 annual report will have additional analysis and a greater focus on learning.