

# NHS Complaints Handling Procedure - Staff Roles and Responsibilities

**The Patient Rights (Scotland) Act 2011 supports the Scottish Government's vision for a high-quality, person-centred NHS. The Act applies to every member of staff working for NHSScotland, and for all independent contractors and their staff who provide NHS services. This factsheet outlines what the new Complaints Handling Procedure means for you, your employer and independent contractors.**

"It is about putting people at the heart of our NHS. It will mean that our NHS will listen to people's views, gather information about their perceptions and personal experience of care and use that information to further improve care."

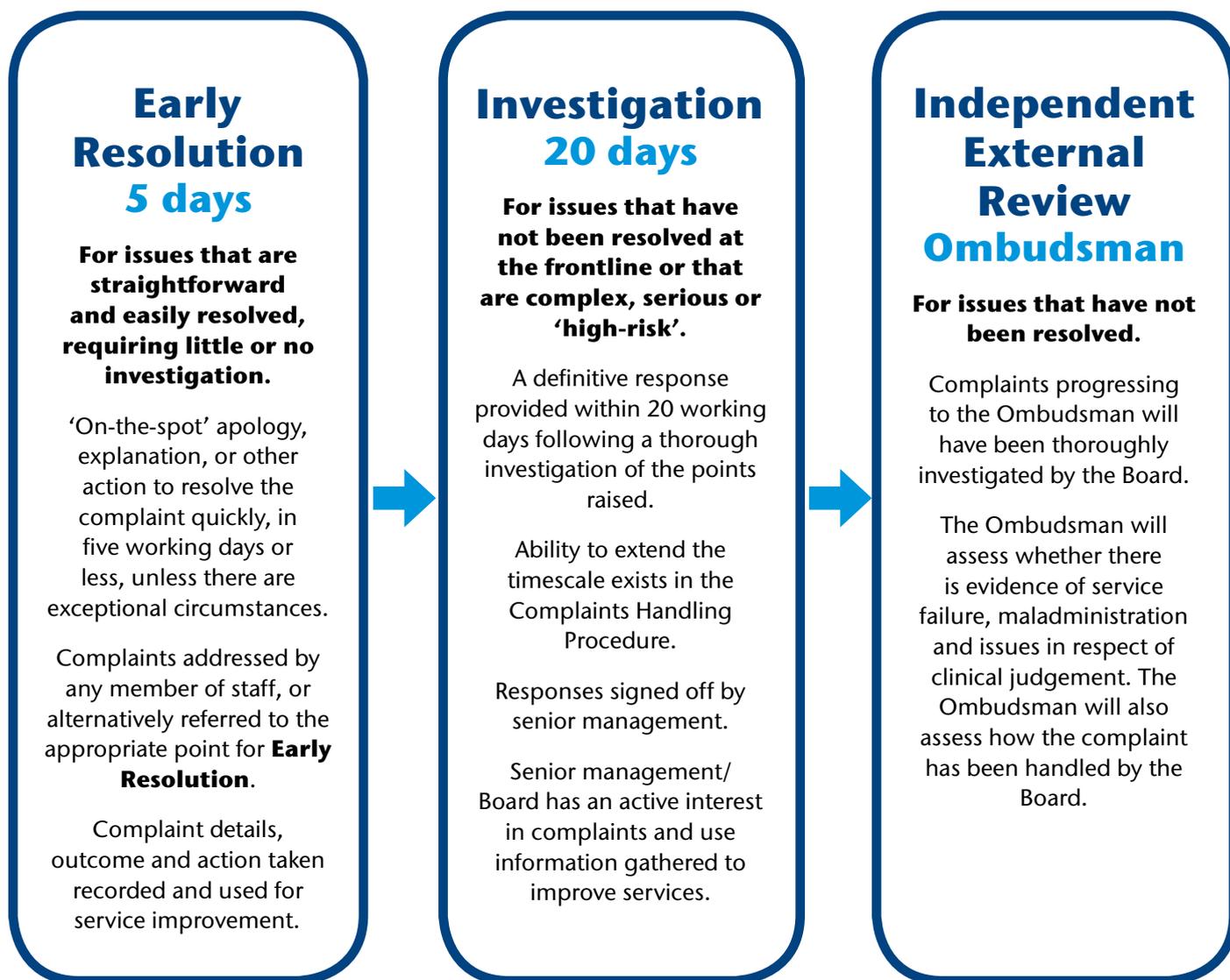
The Healthcare Quality Strategy for NHSScotland  
Executive summary

All forms of feedback, including complaints, provide valuable information for continual improvement of health and care services. Addressing complaints quickly and in a person-centred way that respects the rights of everyone involved is the aim of NHSScotland's new Complaints Handling Procedure.

This procedure, developed in partnership with the Scottish Public Services Ombudsman (SPSO), Scottish Government, NHS Boards and other key stakeholders including patients and carers, promotes a more streamlined approach to complaints handling.

The new approach sees NHSScotland move from a one-stage complaints handling process to a two-stage procedure: it promotes early resolution of complaints raised by service users; and where that is not possible, it supports staff to address complaints by conducting a thorough and robust investigation at the second stage of the procedure.

# The NHS Model Complaints Handling Procedure



The new Complaints Handling Procedure also supports staff to respond with compassion, honesty, thoroughness, impartiality, fairness and transparency.

Organisational complaints handling performance will be monitored and reports presented regularly to senior management teams. The objective is to learn from the service user experience, and to share that learning across NHSScotland.

The new NHSScotland Complaints Handling Procedure aligns with complaints handling procedures for all other Scottish public sector organisations, thereby providing consistency and clarity around the handling of complaints concerning integrated services.

## You must:

- be aware that a complaint may be made to any member of staff in the organisation
- respond to straightforward complaints within five working days (extensions are possible under exceptional circumstances)
- be prepared for further investigation should this be required
- respond to complaints requiring investigation within 20 working days (extensions are possible under exceptional circumstances)

- apologise, where appropriate, and express empathy
- assure people raising concerns or complaints that these offer the opportunity to improve services where things have gone wrong
- be able to distinguish between feedback, comments, concerns and complaints to ensure that any issues raised are dealt with appropriately
- establish precisely the scope of what is to be addressed or investigated and ensure understanding of that
- take care to identify complaints that might be considered serious, high-risk or high-profile that may require particular action or need senior management input
- gather additional information, as required
- if dealing with a complaint at stage two, ask complainants how they prefer to be communicated with – e.g. by telephone, email, post or face-to-face
- signpost complainants to independent support groups such as the Patient Advice and Support Service (PASS), or interpretation and translation service
- provide a copy of The NHSScotland Complaints Handling Procedure public information leaflet
- ensure regular communication with complainants, keep them informed and offer the opportunity to comment
- keep staff involved informed of progress
- inform complainants of any changes made as a result of their input
- ensure all final investigation responses are signed off by an accountable senior officer
- fully record on the organisation's Complaints Reporting System all concerns and complaints, and actions taken to address and investigate them
- record complaint closure, or further referral, and update complaints system accordingly
- inform the complainant of their right to ask the SPSO to consider their complaint if they remain dissatisfied after completing the complaints procedure
- know who to refer a complaint on to, if you are not able to handle the matter
- if in doubt, seek advice from your local Feedback and Complaints team
- be aware that normally a complaint must be made within six months from the date on which the matter of the complaint comes to the person's notice, provided that is also no later than 12 months after the date on which the matter of the complaint occurred

## **Your employer must:**

- raise awareness of the new Complaints Handling Procedure across the organisation
- provide relevant Complaints Handling training to all staff
- ensure the support of a Feedback and Complaints manager and Feedback and Complaints officer
- gather statistics on complaints handling and report to the senior management team every quarter
- regularly monitor complaints and identify opportunities to improve services
- demonstrate organisational learning from feedback and complaints through robust action plans to take forward service improvements identified
- demonstrate progress in delivering service improvements through implementation of action plans

- use case studies and examples to demonstrate how complaints have helped improve services
- publish a publicly-accessible annual report on the organisation's complaints handling performance, to include service user comments and feedback, as well as compliments received
- seek feedback from people who have made complaints on their experience of the Complaints Handling process

## How can I find out more?

The NHS Scotland Model Complaints Handling Procedure

<http://www.valuingcomplaints.org.uk/wp-content/media/NHS-Model-Complaints-Handling-Procedure-3-October-2016.pdf>

Apologies (Scotland) Act 2016

[http://www.legislation.gov.uk/asp/2016/5/pdfs/asp\\_20160005\\_en.pdf](http://www.legislation.gov.uk/asp/2016/5/pdfs/asp_20160005_en.pdf)

Duty of Candour – Part 2, Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016

[http://www.legislation.gov.uk/asp/2016/14/pdfs/asp\\_20160014\\_en.pdf](http://www.legislation.gov.uk/asp/2016/14/pdfs/asp_20160014_en.pdf)

SPSO Our guide on apology

[www.spsos.org.uk/sites/spso/files/communications\\_material/leaflets\\_buj/2011\\_March\\_SPSO%20Guidance%20on%20Apology.pdf](http://www.spsos.org.uk/sites/spso/files/communications_material/leaflets_buj/2011_March_SPSO%20Guidance%20on%20Apology.pdf)

SPSO Complaints Handling Practice Guide – dealing with problem behaviour

[www.valuingcomplaints.org.uk/wp-content/media/DealingWithProblemBehaviour\\_SPSOGuide.pdf](http://www.valuingcomplaints.org.uk/wp-content/media/DealingWithProblemBehaviour_SPSOGuide.pdf)

Patient and Advice Support Service (PASS)

[www.cas.org.uk/patientadvice](http://www.cas.org.uk/patientadvice)

Staff Governance Standard

[www.staffgovernance.scot.nhs.uk](http://www.staffgovernance.scot.nhs.uk)

Patient Rights (Scotland) Act 2011 sections 14-16 (patient feedback, comments, concerns or complaints)

<http://www.gov.scot/Topics/Health/Policy/Patients-Rights>

The Knowledge Network

[www.knowledge.scot.nhs.uk](http://www.knowledge.scot.nhs.uk)

TeachBack methodology to support health professionals check a patient's understanding of the information they have given to the patient

[www.nchealthliteracy.org/toolkit/tool5.pdf](http://www.nchealthliteracy.org/toolkit/tool5.pdf)

You may find other sources of help and support including the other factsheets in this series on the Little Things Make a Big Difference website at [www.knowledge.scot.nhs.uk/making-a-difference.aspx](http://www.knowledge.scot.nhs.uk/making-a-difference.aspx). NHS staff should find information on local arrangements on your staff intranet or from your line manager.

This resource can be made available, in full or summary form, in alternative formats and community languages. Please contact us on 0141 223 1435 or email [altformats@nes.scot.nhs.uk](mailto:altformats@nes.scot.nhs.uk) to discuss how we can best meet your requirements.

