

Mr Tim Davison  
Interim Chief Executive  
Lothian NHS Board  
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16 July 2012

Dear Mr Davison

### **Annual letter 2011-12: complaints to SPSO about Lothian NHS Board**

This letter contains the SPSO's complaints statistics about your board for the 2011-12 financial year. It gives information about the numbers of complaints that we received and determined about your board. It also highlights the number of premature complaints (those that came to this office too early before completing your complaints process) and those complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and their outcome.

Please note that if the number of complaints for your board is very low, the data is unlikely to be statistically meaningful for comparing with that of other bodies, though it may be useful for your board to reflect on its own year-on-year statistics.

#### **Trends in complaints**

Last year, I stated my disappointment at the unacceptably high level of upheld and premature complaints about all sectors that were determined by SPSO. In 2011-12, the level of overall upheld complaints - those that were 'fit for SPSO' and where I upheld all or part of the complaint - went up from 34% in 2010-11 to 39%. In the health sector, it rose from 45% to 56%, a trend which I find worrying. These complaints have been looked at in great depth by boards prior to my involvement, and yet in more than half of cases, I am still finding fault.

The overall level of premature complaints fell from 45% in 2010-11 to 43% in 2011-12. In the health sector it remained constant at 31%.

In this letter, I draw attention to the figures of upheld and premature complaints for your board.

## Statistics

- Comprehensive statistical information about all the sectors under our remit is available at the following link: [www.spsso.org.uk/statistics](http://www.spsso.org.uk/statistics). In summary, in 2011-12, the SPSO:
  - received **3,918** complaints (**12% more** than last year)
  - received **1,002** complaints about health boards (**13% more** than last year)
  - resolved **3,748** complaints (**12% more** than last year)
  - resolved **937** complaints about health boards (**12% more** than last year)

The attached pages provide information about the complaints we handled about your health board in 2011-12. The first table shows complaints received by primary subject area, both about your board and overall about boards, for the past two years. The second table shows the outcomes of the complaints we handled about your board in the past two years. It also highlights the rate of premature and fully/partly upheld complaints and overall rates for boards in the past two years.

The upheld/partly upheld outcomes relate to complaints that were 'fit for SPSO' (i.e. valid for investigation by SPSO) and which were determined at the Early Resolution (ER) 2 or Investigation (INV) 1 or 2 stages of our process. ER2 and INV 1 are investigations that conclude in a decision letter, and INV 2 concludes in a full investigation report. Since June 2011, we have published outcomes of complaints that were 'fit for SPSO' on our website. These are searchable (by sector, organisation, subject etc) and can be accessed at <http://www.spsso.org.uk/our-findings>.

## The Complaints Standards Authority (CSA)

A strong focus of our work over the past year has been on improving standards of complaints handling across all sectors, with an emphasis on early resolution by organisations. As you are aware, we have based much of the published model complaints handling procedures (CHPs) for other sectors on the NHS's simplified, standardised process.

The CSA fed directly into the development of the revised NHS 'Can I Help You' guidance, published in April 2012, through the Scottish Government's Complaints Review Group. Whilst this guidance continues to provide a good model for NHS complaints handling, with a strong focus on early resolution, we will monitor best practice and complaints performance with a view to possible revisions to the guidance in future years under the SPSO's powers to

publish model CHPs. Any changes will, of course, be in line with the terms of the Patient Rights (Scotland) Act 2011 and associated secondary legislation and would be undertaken in full consultation with the sector.

There is much more information about the model CHPs and a wealth of advice, support and guidance on the CSA's website at [www.valuingcomplaints.org.uk](http://www.valuingcomplaints.org.uk).

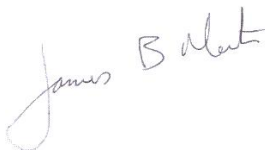
### **Using complaints information**

The statistics we give here should help your board reflect on and identify ways to improve your complaints handling, and it may be helpful to consider:

- what action you can take to promote early resolution of complaints
- what you can do to reduce the level of premature complaints
- whether the subject of complaints brought to SPSO meet your expectations
- any variance in complaints figures across your departments
- how to share the learning from our recommendations with staff across the organisation
- how our recommendations are monitored and actioned at senior level and how service changes and improvements are managed
- how you tell service users about action taken to improve services as a result of complaints resolved locally and through SPSO recommendations.

As ever, I value feedback about our work and would welcome any comments about this summary or any other aspect of our service.

Yours sincerely

A handwritten signature in blue ink that reads "James B Martin". The signature is written in a cursive style.

Jim Martin  
Ombudsman

Lothian										
	Lothian NHS Board	Lothian NHS Board - Acute Division		Lothian NHS Board - University Hospitals Division	Dentists & Dental Practices	GP & GP Practices	Total	Complaints as % of total	Sector Total	Complaints as % of total
<b>Complaints received by subject 2011-12</b>										
Admission, discharge & transfer procedures	1						1	1%	13	1%
Appliances, equipment & premises								0%	4	0%
Appointments/Admissions (delay, cancellation, waiting lists)	4						4	3%	32	3%
Clinical treatment / Diagnosis	32	5		6	2	11	56	41%	436	44%
Communication, staff attitude, dignity, confidentiality	9	1		2	1	6	19	14%	93	9%
Complaints handling				1	2		3	2%	34	3%
Continuing care	1						1	1%	6	1%
Failure to send ambulance/delay in sending ambulance								0%	4	0%
Hotel services - food, laundry etc								0%	1	0%
Hygiene, cleanliness & infection control								0%	3	0%
Lists						1	1	1%	19	2%
Nurses / Nursing Care								0%	10	1%
Other	1						1	1%	10	1%
Out Of Jurisdiction		1					1	1%	9	1%
Policy/administration	15	1			3	1	20	15%	104	10%
Record Keeping								0%	7	1%
Subject Unknown	13	14				2	29	21%	217	22%
<b>Sector Total</b>	<b>76</b>	<b>22</b>		<b>9</b>	<b>8</b>	<b>21</b>	<b>136</b>	<b>100%</b>	<b>1002</b>	<b>100%</b>
<i>Complaints as % of sector</i>	8%	2%		1%	1%	2%	14%			

Lothian										
	Lothian NHS Board	Lothian NHS Board - Acute Division	Lothian NHS Board - Royal Edinburgh and Associated Services Division	Lothian NHS Board - University Hospitals Division	Lothian Dentists	Lothian GPs	Lothian Area Total	Complaints as % of total	Sector Total	Complaints as % of total
<b>Complaints received by subject 2010-11</b>										
Admission, discharge & transfer procedures	0	0	0	0	0	0	0	0%	9	1%
Appliances, equipment & premises	0	0	0	0	0	1	1	1%	5	1%
Appointments/Admissions (delay, cancellation, waiting lists)	3	0	0	1	0	3	7	6%	35	4%
Clinical treatment / Diagnosis	24	1	5	9	3	4	46	37%	402	45%
Communication, staff attitude, dignity, confidentiality	4	2	0	0	0	2	8	7%	64	7%
Complaints handling	4	1	0	0	0	0	5	4%	27	3%
Continuing care	1	0	0	0	0	0	1	1%	3	0%
Failure to send ambulance/delay in sending ambulance	0	0	0	0	0	0	0	0%	1	0%
Hotel services - food, laundry etc	2	0	0	0	0	0	2	2%	4	0%
Hygiene, cleanliness & infection control	0	0	0	0	0	0	0	0%	1	0%
Lists (incl difficulty registering and removal from lists)	1	0	0	0	0	5	6	5%	20	2%
Nurses / Nursing Care	0	1	0	0	0	0	1	1%	13	1%
Other	1	0	0	0	0	0	1	1%	8	1%
Policy/administration	14	3	1	3	0	2	23	19%	143	16%
Record Keeping	0	0	0	0	1	0	1	1%	10	1%
Out Of Jurisdiction	1	0	0	0	0	0	1	1%	1	0%
Subject Unknown	12	7	0	0	0	1	20	16%	142	16%
<b>Total Complaints</b>	<b>67</b>	<b>15</b>	<b>6</b>	<b>13</b>	<b>4</b>	<b>18</b>	<b>123</b>	<b>100%</b>	<b>888</b>	<b>100%</b>
<i>Complaints as % of sector</i>	8%	2%	1%	1%	0%	2%	14%			

Health Complaints Determined 2011-12		Lothian							Sector Total
Stage	Closure Category	Lothian NHS Board	Lothian NHS Board - Acute Division	Lothian NHS Board - Royal Edinburgh and Associated Services Division	Lothian NHS Board - University Hospitals Division	Dentist	GP	Total	
Advice	Complaint - Body out of jurisdiction							1	1
	Complaint - Matter out of jurisdiction (discretionary)	1						1	4
	Complaint - Matter out of jurisdiction (non-discretionary)	2	1				1	4	14
	Complaint - No decision reached	16	8				3	27	225
	Complaint - Outcome not achievable	2						2	9
	Complaint - Premature	23	8				2	33	259
	<b>Total</b>	<b>44</b>	<b>17</b>				<b>6</b>	<b>67</b>	<b>512</b>
Early Resolution 1	Matter out of jurisdiction (discretionary)	3	1			1		5	29
	Matter out of jurisdiction (non-discretionary)	1						1	15
	No decision reached	2				1	1	4	38
	Outcome not achievable	2						2	16
	Premature	5					1	6	29
<b>Total</b>	<b>13</b>	<b>1</b>			<b>2</b>	<b>2</b>	<b>18</b>	<b>127</b>	
Early Resolution 2	Complaint fully upheld	2						2	11
	Complaint not upheld	2				2	3	7	34
	Complaint partly upheld	2					3	5	14
	No decision reached				1		1	2	8
	<b>Total</b>	<b>6</b>			<b>1</b>	<b>2</b>	<b>7</b>	<b>16</b>	<b>67</b>
Investigation 1	Complaint fully upheld	1			1	1		3	34
	Complaint not upheld	2	1		2	2	4	11	83
	Complaint partly upheld	4	2	1	1			8	67
	No decision reached								2
	<b>Total</b>	<b>7</b>	<b>3</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>4</b>	<b>22</b>	<b>186</b>
Investigation 2	Complaint fully upheld	2		1				3	22
	Complaint not upheld								2
	Complaint partly upheld	1					2	3	18
	No decision reached								1
<b>Total</b>	<b>3</b>		<b>1</b>			<b>2</b>	<b>6</b>	<b>43</b>	
<b>Total Complaints</b>	<b>73</b>	<b>21</b>	<b>2</b>	<b>5</b>	<b>7</b>	<b>21</b>	<b>129</b>	<b>936</b>	

Premature total	28	8	0	0	0	3	39	288
Premature %	38%	38%	0%	0%	0%	14%	30%	31%
Fit for SPSO Total (ER2, Inv 1 & 2)	16	3	2	5	5	13	44	296
Total uphold/partly upholds	12	2	2	2	1	5	24	166
% Upholds/Partly Upholds of Fit for SPSO	75%	67%	100%	40%	20%	38%	55%	56%

Health Complaints Determined 2010-11		Lothian							Sector Total
Stage	Closure Category	Lothian NHS Board	Lothian NHS Board - Acute Division	Lothian NHS Board - Royal Edinburgh and Associated Services Division	Lothian NHS Board - University Hospitals Division	Lothian Dentists	Lothian GPs	Lothian area total	
Advice	Premature	22	3	0	0	0	3	28	218
	Body Out of Jurisdiction	0	0	0	0	0	0	0	0
	Out of Jurisdiction (Discretionary)	1	0	0	0	0	0	1	5
	Out of Jurisdiction (Non-Discretionary)	1	1	0	0	0	0	2	8
	Outcome Not Achievable	0	0	0	1	0	0	1	3
	No Decision Reached	12	5	1	0	0	3	21	216
	Other	0	0	0	0	0	0	0	0
	<b>Total</b>	<b>36</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6</b>	<b>53</b>	<b>450</b>
	Early Resolution 1	Premature	3	0	0	1	0	0	4
Body Out of Jurisdiction		0	0	0	0	0	0	0	0
Out of Jurisdiction (Discretionary)		3	1	1	2	0	0	7	28
Out of Jurisdiction (Non-Discretionary)		2	2	0	0	0	0	4	9
Outcome Not Achievable		1	1	0	1	0	0	3	18
No Decision Reached		1	0	0	0	0	0	1	28
<b>Total</b>	<b>10</b>	<b>4</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>19</b>	<b>120</b>	
Early Resolution 2	Premature	0	0	0	1	0	1	2	5
	Out of Jurisdiction (Discretionary)	1	0	0	1	0	0	2	8
	Out of Jurisdiction (Non-Discretionary)	0	0	0	0	0	0	0	1
	Outcome Not Achievable	0	0	0	1	0	0	1	2
	No Decision Reached	1	0	1	0	1	0	3	12
	Fully Upheld	0	0	0	0	0	0	0	10
	Partly Upheld	1	0	0	0	0	0	1	14
<b>Total</b>	<b>4</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>15</b>	<b>98</b>	
Investigation 1	Outcome Not Achievable	0	0	0	0	0	1	1	2
	No Decision Reached	2	0	0	0	1	0	3	10
	Fully Upheld	1	2	0	1	0	1	5	34
	Partly Upheld	2	0	0	2	1	0	5	21
	Not Upheld	3	1	0	5	2	4	15	64
	<b>Total</b>	<b>8</b>	<b>3</b>	<b>0</b>	<b>8</b>	<b>4</b>	<b>6</b>	<b>29</b>	<b>131</b>
Investigation 2	No Decision Reached	0	0	0	0	0	0	0	2
	Fully Upheld	6	0	0	0	1	0	7	21
	Partly Upheld	3	0	0	0	1	0	4	15
	Not Upheld	0	0	0	0	0	0	0	3
	<b>Total</b>	<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>11</b>	<b>41</b>
<b>Total Complaints</b>	<b>67</b>	<b>16</b>	<b>4</b>	<b>18</b>	<b>7</b>	<b>15</b>	<b>127</b>	<b>840</b>	

Premature total	25	3	0	2	0	4	34	260
Premature %	37%	19%	0%	11%	0%	27%	27%	31%
Fit for SPSO Total (ER2, Inv 1 & 2)	21	3	2	13	7	9	55	270
Total uphold/partly upholds	13	2	0	3	3	1	22	115
% Upholds/Partly Upholds of Fit for SPSO	62%	67%	0%	23%	43%	11%	40%	43%