



Dear Colleague

THE NHS SCOTLAND MODEL COMPLAINTS HANDLING PROCEDURE

1. The Scottish Government and NHS Scotland are jointly committed to developing a culture of openness and transparency in NHS Scotland, that values all forms of feedback, including complaints, and uses it to continuously improve services.
2. The Patient Rights Act (Scotland) 2011 introduced a right for people to give feedback and comments, and raise concerns and complaints about NHS services, and it placed a duty on the NHS to actively encourage, monitor, take action and share learning from the views they receive. Revised [good practice guidance](#) for handling and learning from feedback, comments, concerns or complaints was circulated to Boards in March 2012, as part of [CEL 8](#).
3. The Scottish Health Council's '[Listening and Learning](#)' report on how feedback, comments, concerns and complaints can improve NHS services in Scotland was published in April 2014. It found that, while all Boards could demonstrate clear progress in terms of responding to the requirements of the Patient Rights (Scotland) Act 2011, there were significant learning points for NHS Scotland in terms of welcoming feedback, removing the 'fear factor', and demonstrating improvement. NHS Board Chief Executives agreed in May 2014 to implement its recommendations to NHS Boards.
4. The Listening and Learning report found evidence of variation across the country in the way that complaints are handled, and recommended that, as experts in this area, the Scottish Public Services Ombudsman's Complaints Standards Authority (CSA) should lead on developing a more succinctly modelled, standardised and person-centred complaints process for NHS Scotland in collaboration with the public, NHS Boards and the Scottish Health Council.

DL (2016) 19
3 October 2016

For action

Chief Executives, NHS Boards

For information

NHS Person-Centred Executive Leads
NHS Board Primary Care Leads
NHS Complaints Leads
Members of the NHS Complaints
Handling Procedure Steering Group
NHS Employee Directors
Scottish Partnership Forum
SWAG, MSG
Director, Scottish Health Council
SPSO
BMA, BDA, Royal Colleges
RPS, SGPC

Enquiries to:

Joanna Swanson, Person-Centred
and Quality Team
The Scottish Government,
St Andrews House, Regent Road,
Edinburgh EH1 3DG
Telephone: 0131 244 3028
joanna.swanson@gov.scot

Jane Davies, Educational Projects
Manager
NHS Education for Scotland, 2 Central
Quay, 3rd Floor, 89 Hydepark Street,
Glasgow G3 8BW
Telephone: 0141 223 1498
jane.davies@nes.scot.nhs.uk

John Stevenson, Head of CSA
Office of the Scottish Public Services
Ombudsman, 4 Melville Street,
Edinburgh, EH3 7NS
Telephone 0131 240 2984
John.Stevenson@spsso.gsi.gov.uk

5. Following feedback from colleagues in Boards on the current system and detailed discussion with partner organisations and practitioners, the Scottish Government agreed the CSA should work with NHS Boards to develop a revised NHS model complaints handling procedure and associated information materials for all NHS boards and providers.
6. The NHS model Complaints Handling Procedure (CHP) has been developed through a partnership approach, led by a Steering Group involving the Scottish Public Services Ombudsman (SPSO) and representatives from across NHS Scotland including territorial boards, the Scottish Health Council, NHS Education for Scotland, NHS National Services Scotland, the National Prisoner Healthcare Network, primary care and the NHS Complaints Personnel Association Scotland (NCPAS). The independent Patient Advice and Support Service (PASS) and Healthcare Improvement Scotland public partners have also been actively involved.
7. The revised procedure is intended to support a more consistently person-centred approach to complaints handling across NHS Scotland, and bring the NHS into line with other public service sectors by introducing a distinct, five working day stage for early, local resolution, ahead of the 20 working day stage for complaint investigations.
8. The procedure reflects the broader ambition for the NHS in Scotland to be an open, learning organisation that listens and acts when unintended harm is caused. The procedure complements the Duty of Candour provisions in the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act, and the development of a national approach to reviewing and learning from adverse events. It is also complemented by the Apologies (Scotland) Act 2016, which is intended to encourage apologies being made, by making it clear that apologising is not the same as admitting liability.
9. The revised procedure will require amendments to the Regulations and Directions associated with the Patient Rights (Scotland) Act 2011. The Scottish Government intends these amendments to be made ahead of the proposed implementation date for the new procedure of 1 April 2017. We will write to you again when these changes have been made.
10. Attached to this letter are a [model complaints handling procedure document](#) and a [public-facing document](#), which are designed as templates for NHS bodies and primary care service providers to adapt and adopt. There is also an [Implementation Guide](#), which sets out in detail how Boards and their primary care service providers should prepare for implementation.
11. The purpose of providing these documents at this stage is to provide time for Boards and their service providers to adapt them for use by their own organisations, and to prepare to implement the new procedure. Boards and their service providers should continue to handle complaints in line with the [Patient Rights \(Complaints Procedure and Consequential Provisions\) \(Scotland\) Regulations 2012](#) and the [Patient Rights \(Feedback, Comments, Concerns and Complaints\) \(Scotland\) Directions 2012](#) until the new procedure is introduced.

12. The Scottish Government, SPSO and NHS Education for Scotland are developing a programme of education and awareness raising to equip staff to implement the new procedure. Further information is available from NHS Education for Scotland, via the enquiries point below.
13. Focussed testing of key elements of the new procedure is planned to commence shortly in two Boards areas. Learning will be shared with all Boards ahead of implementation.

Action

14. Chief Executives must ensure that their organisations and primary care service providers are ready to implement the revised procedure from 1 April 2017. In particular, they are asked to ensure that:
- NHS Boards provide their own organisations' complaints handling procedure to the Scottish Government by 7 April 2017, in accordance with the implementation guide attached. The Scottish Government will work with the CSA to assess the returns from NHS Boards, and to provide support to those Boards that may require it.
 - NHS Boards assure themselves that their primary care service providers are ready to implement the procedure, in accordance with the implementation guide attached.
 - Staff are aware of the revised procedure, and in particular of the stronger focus on early resolution, and are empowered to implement it.
 - Appropriate reporting and monitoring mechanisms are in place.
15. The Scottish Government and Complaints Standards Authority can provide additional support to NHS Boards, to help them to do this as straightforwardly as possible. Please direct enquiries to Joanna Swanson, Person-Centred and Quality Unit, or John Stevenson, Head of the CSA.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. Leitch', with a long horizontal flourish underneath.

Jason Leitch
National Clinical Director
Scottish Government