

NHS Education for Scotland

Feedback, Comments, Concerns and Complaints

Annual Report 2019-2020

(abbreviated report on complaints and concerns)

September 2020

We are a national special NHS Board responsible for education, training and workforce development for those who work in and with NHSScotland. The summary table below precedes the full report and provides brief details of the complaints and expressions of concern we received between 1 April 2019 and 31 March 2020. Due to the restrictions placed on NES during the Covid-19 pandemic, and the changes to the reporting format for 2019/20 issued by the Scottish Government, this report does not detail our progress in collecting feedback from learners, partner organisations, service users and others.

Table 1: Summary of complaints received and outcome 2019-20

Subject of complaint	Outcome of Complaint	Lessons learned
1) Complaint about deadline for Expression of Interest	Not upheld	Apology and explanation of national process given.
2) Less Than Full-Time training process error and lack of NES response	Fully upheld	The need to check the validity of quarantined emails. Apology given for the administrative error and lack of NES response, with Digital explanation of why the emails had been quarantined.
3) NES staff conduct	Fully upheld	Deanery action plan recommended, based on 'Dignity at Work' policy.
4) Complaint about deadline for Expression of Interest	Not upheld	Apology and explanation of national process given.
5) Data breach	Fully upheld	Emails reconfigured so that personal information is

		contained within the 'bc' section, rather than the 'cc' section.
6) Professional dental complaint	Not applicable	This was an issue already following legal and professional conduct processes and therefore unsuitable for complaints investigation.
7) Activity of a clinical network	Not applicable	Not applicable – signposting information given to NSS.
CONCERN Health improvement suggestion	Not applicable	None – signposting information given.
CONCERN QMPLE Updates	Not applicable	None – signposting information given.
CONCERN Request for information and a review of presentation	Not applicable	Additional information provided and apology given regarding presentation.
CONCERN Job applicant seeking feedback after multiple unsuccessful applications	Not applicable	Feedback given
CONCERN Conduct of panel member during assessment	Not applicable	Apology given and incident will be used as part of the training/briefing for assessors for future recruitment.

Contents

Introduction

- 1. Learning from complaints (Indicator 1)**
- 2. Complaint process experience (Indicator 2)**
- 3. Staff awareness and training (Indicator 3)**
- 4. Complaint outcomes (Indicators 4, 5, 6, 7, 8 and 9)**
- 5. Accountability and governance**
- 6. Further information**

Introduction

Welcome to our annual report on feedback, comments, concerns and complaints for 2019-2020. The report is a requirement of the 2017 Patient Rights (Feedback, Comments, Concerns and Complaints (Scotland)) Directions which specifies that relevant NHS bodies should prepare an annual report at the end of each year summarising action taken as a result of feedback, comments and concerns received in that year.

The NES report includes a summary of the complaints and concerns expressed by our service users during the year. It also provides brief information regarding our progress in handling and learning from complaints in accordance with the nine indicators set out in the Scottish Government's guidance to health boards. In a departure from previous years, the report does not detail NES's numerous mechanisms for collecting and using feedback from learners, partner organisations and other stakeholders.

Although the report includes simple commentaries describing NES's progress against the Scottish Government's Indicators, it does not include case study examples as in the 2018-2019 report. This reflects the guidance from the Scottish Government that Boards may submit a shortened version of the report in recognition of the additional pressures placed on Health Boards during the Covid-19 pandemic.

1. Learning from complaints (Indicator 1)

NES received very few complaints or expressions of concern during the year, but each one was used as an opportunity to learn and improve. Information about each complaint or expression of concern is held centrally by the Planning and Corporate Resources Team. Summaries of complaints received, timescales for investigation and outcomes are presented in Tables 1 and 2.

Table 1. above sets out the specific learning points and improvements made in response to complaints handled by the corporate Complaints Team in the Planning & Corporate Resources department. The table contains brief information about the responses to complaints, which range from reviews of process, to staff training and enhancements of communications practice. Enhancements or reviews were conducted following complaints, including several where the complaint was not fully upheld, or NES had no locus of responsibility. The outcomes of each complaint were reported to senior managers in the directorates subject to complaints with the expectation that recommendations would be taken forward.

Although there were only seven complaints handled by the corporate Complaints Team, several further expressions of concern were considered. Some of these did not solely relate to dissatisfaction of individuals and in other cases, the individuals

expressing concern indicated that they were not lodging a formal complaint. These concerns were fully investigated and led to an apology or corrective action where NES was found to be at fault. Investigations of concerns do not lead to a final judgement. In some cases, it was found that NES was not responsible for the issue of concern and individuals were signposted to other organisations.

2. Complaint process experience (Indicator 2)

Individuals and organisations dissatisfied with NES services or staff can communicate with us through a variety of routes. These include the Feedback, Comments, Concerns and Complaints mailbox on the NES corporate website, directly to the NES Chief Executive or Director of Planning by email or through local directorate staff, such as educational supervisors or quality management staff. The Medical Directorate also reviews expressions of concerns from medical trainees through its Notification of Concerns process. In addition to these processes, NES regularly reviews the Care Opinion website, which is used by service users to comment and complain about health and care services. Although education and training was mentioned in some of these posts, there were no specific references to NES warranting investigation and response.

NES has a clear two-stage process for receiving and investigating complaints as set out in our [Complaints Procedure](#), which may be accessed on the website. This explains our standards for investigating complaints, including the timescales for investigation and the support available to complainants. A report is produced for each complaint investigated by the corporate Complaints Team, which follows an agreed template. The report summarises the complaint and sets out the evidence reviewed. It concludes with the final judgement which is supported by the investigating team's reasoning for its conclusions. Complainants are encouraged to provide feedback on their experience of the NES complaints investigation process, although no one took advantage of this opportunity during the year.

The request for feedback from complaint investigations invites complainants to comment on issues such as the time taken to conduct the investigation, the clarity of the investigation process, support provided by the Complaints Team and the clarity of the final report.

3. Staff awareness and training (Indicator 3)

Staff involved in complaints handling are trained in the principles and practice of effective complaints handling (including learning from complaints). A number of staff have completed NES's own Complaints Handling online learning, which was developed to support the health and social care sectors in Scotland. All four members of our corporate Complaints Handling team (plus the Director of Planning

and Corporate Resources who has executive responsibility for complaints) hold the Level 5 Professional Award in Complaints Handling and Investigations awarded by Pearson.

The corporate Complaints Team maintain their development and awareness of current practice in this aspect of their work through attendance at occasional events and reading reports from the Scottish Public Services Ombudsman and other authoritative sources of guidance.

4. Outcomes from complaints investigations (Indicators 4, 5, 6, 7, 8 and 9)

The outcomes from each of the complaint investigations conducted in 2019-2020 are summarised in Tables 2 to 5 below. This indicates that only seven complaints were received during the year, plus a further five expressions of concern, of which three were investigated. Two individuals expressing concern were signposted to other organisations with three resulting in an apology from NES and/or remedial action.

Of the seven complaints received, three were fully upheld, three were not investigated as they related to a national process for which NES is not responsible. One further complaint was not investigated because it was already the subject of regulatory body and legal action.

All complaint handling was conducted in accordance with the NHSS National Standards, including the timescales for acknowledging complaints, investigating complaints and reporting back to complainants with the complaint investigation outcomes. No extensions to the standard timescales for complaints handling were required.

Tables 3 to 5 refer to Stage One and Stage Two complaints. Stage One complaints are those that are resolved locally. Stage Two complaints are referred (or 'escalated') to the corporate Complaints Team.

Table 2. Feedback, Comments, Concerns and Complaints Register - Year to 31 March 2020

Source (1)	Summary (2)	File Ref (3)	Is complaint suitable for frontline resolution?	Receipt Date	Acknowledged (A) and Response (R) Dates	Outcome (4)	Was complainant satisfied with frontline resolution?	Lessons Learned/ Improvements (5)
Pharmacy training provider	Complaint about deadline for Expression of Interest	Locally held	yes	07/05/19	08/05/19 & 08/05/19	n/a	no	Explanation of national process given.
Council staff	Complaint about training programme and lack of NES response	LTFT Programme May 2019	no	15/05/19	22/05/19 & 23/05/19	Fully upheld	n/a	The need to check the validity of quarantined emails. Apologised for an administrative error.
Medical trainee	Complaint about NES staff member	Historical medical May 19	no	15/05/19	27/05/19 & 13/06/19	Fully upheld	yes	Deanery action plan recommended, based on 'Dignity at Work' policy

Pharmacy training provider	Complaint about deadline for Expression of Interest	Locally held	yes	23/05/19	31/05/19 & 31/05/19	n/a	unknown	Explanation of national process given
NHS Staff	Data breach	20190731	Yes	30/07/19	31/07/19 & 31/07/19	Fully upheld	Yes	Emails reconfigured so that personal information is not seen in the 'CC' section, but is instead in the 'BC' section.
NES staff	Professional dental complaint	20191115 Dental	no	15/11/19	15/11/19 & 19/11/19	n/a	n/a	This was an issue already following legal and professional body processes and therefore unsuitable for complaints investigation.
Private company	Complaint about a clinical network	Psychology January 2020	no	13/01/20	15/01/19 & 15/01/19	n/a	n/a	n/a - signposting information given

<i>Member of public (Concern)</i>	<i>Health improvement suggestion (Concern)</i>	<i>20191015 Condition Concern</i>	<i>n/a</i>	<i>15/08/19</i>	<i>15/08/19 & 15/08/19</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a - signposting information given</i>
<i>Trainee (Concern)</i>	<i>Concern over QMPLE updates (Concern)</i>	<i>20191021 Account process</i>	<i>yes</i>	<i>19/10/19</i>	<i>21/10/19 & 21/10/19</i>	<i>n/a</i>	<i>n/a</i>	<i>n/a - signposting information given</i>
<i>Voluntary sector (Concern)</i>	<i>Request for information and feedback about how it's presented (concern)</i>	<i>FOI complaint May 2019</i>	<i>n/a</i>	<i>30/04/19</i>	<i>01/05/19 & 11/05/19</i>	<i>n/a</i>	<i>n/a</i>	<i>Additional information provided and apology given regarding presentation</i>
<i>Member of public (Concern)</i>	<i>Job applicant seeking feedback after multiple unsuccessful applications (concern)</i>	<i>HR post application April 19</i>	<i>yes</i>	<i>17/04/19</i>	<i>17/04/19 & 24/04/19</i>	<i>n/a</i>	<i>yes</i>	<i>Feedback given</i>

Trainee Pharmacist (Concern)	Concern about conduct of panel member during assessment	Locally held	yes	04/09/19	04/09/19 & 10/09/19	n/a	unknown	Apology given and incident will be used as part of the training/briefing for assessors for future recruitment.
---------------------------------	---	--------------	-----	----------	---------------------	-----	---------	--

NHS National Services Scotland (NSS) Guidance Notes for table:

(1) Source: Indicate the status of the person e.g. “FYI Trainee”, “External Contractors”, “Educational Institution”, “and Professional Organisation”. For the purposes of logging, returns should be anonymous with the proviso that further information may be sought as necessary.

(2) Summary: Provide a brief outline covering the core substance of the feedback indicating whether it is a comment, a concern or a complaint.

(3) File Reference: Use your local identifier such that each case can be found as necessary.

(4) Outcome: Indicate current status if the issue has not been resolved, or indicate, in the case of complaints, whether it has been upheld, partially upheld or rejected and the grounds for that outcome.

(5) Improvements: Outline learning opportunities or improvements identified as a result of issue raised, either locally or corporately.

Table 3: Total number of complaints closed by NES during the period¹

Number of complaints closed by the NHS Board	Number	As a % of all NHS Board complaints closed (not contractors)
Stage One	3	42.9
Stage two – non escalated	2	28.6
Stage two - escalated	2	28.6
Total complaints closed by NHS Board	7	100

¹ Does not include expressions of concern.

Table 4. Stage One complaints by outcome

	Number	As a % of all complaints closed by NHS Board at stage one
Number of complaints upheld at stage one	1	33.3%
Number of complaints not upheld at stage one	2	66.6%
Number of complaints partially upheld at stage one	-	0
Total stage one complaints outcomes	3	100%

Table 5. Stage Two complaints by outcome (non-escalated)

Non-escalated complaints	Number	As a % of all complaints closed by NHS Boards at stage two
Number of non-escalated complaints upheld at stage two	1	33.3
Number of non-escalated complaints not upheld at stage two	2	66.6
Number of non-escalated complaints partially upheld at stage two	-	-
Total stage two, non-escalated complaints outcomes	3	100

Table 6. Stage Two complaints by outcome (escalated)

Escalated complaints	Number	As a % of all escalated complaints closed by NHS Boards at stage two
Number of escalated complaints upheld at stage two	1	100
Number of escalated complaints not upheld at stage two	-	-
Number of escalated complaints partially upheld at stage two	-	-
Total stage two escalated complaints outcomes	1	100

5. Accountability and Governance

This draft annual FCCC report is submitted to our Executive Team for comment and to the Educational and Research Governance Committee for comment and approval. Recommendations arising from complaints are followed up by our corporate Complaints Team. The annual report is published on our website each year at www.nes.scot.nhs.uk/about-us/planning-and-corporate-governance.aspx and sent to the Scottish Government and the Scottish Public Services Ombudsman (SPSO).

During the 1 April 2019 – 31 March 2020 period, the Educational and Research Governance Committee (E&RGC) met regularly to monitor and quality assure our educational services and to record recommendations made as a result of feedback. A formal minute of E&RGC meetings was reported to the Board as a routine and regular agenda item.

From 26 March – 1 September 2020 during the COVID-19 pandemic, the Board assumed a core governance approach and suspended some of the Board Standing Committees. As the E&RGC was one of these suspended Committees, interim arrangements for the governance of complaints, education and training were implemented during this period through the delegation of Executive Gold command and the reporting of strategic decisions and any other issues of significance through the full Board.

6. Further information

For further information about NHS Education for Scotland's processes and performance in collecting feedback and handling complaints please contact:

Rob Coward, NHS Education for Scotland, Westport 102, Edinburgh EH3 9DN
Tel: 0131 376 2380, rob.coward@nes.scot.nhs.uk

To make a specific complaint or comment about any of our products and services please contact our corporate Complaints Team at: complaints@nes.scot.nhs.uk