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healthwatch

Rt Hon Jeremy Hunt MP
Secretary of State
Department of Health
Richmond House
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15 June 2015

Dear Secretary of State,

I am writing to set out Healthwatch England's recommendations for creating an effective and compassionate health and social care complaints system. We welcome the inclusion in the Queen's Speech of the Draft Public Service Ombudsman Bill and ask you to make full use of the opportunity this presents to set in motion the necessary comprehensive approach to reform. This Advisory Note is in accordance with our powers to provide you with information and advice under s.45A (5/6) of the Health and Social Care Act 2008, as amended by s.181 of the Health & Social Care Act 2012.

As the consumer champion in health and social care, we know that complaints systems are crucial and that the current system is urgently in need of reform. Since the publication of Sir Robert Francis's report on the failings at Mid Staffs and the Clwyd-Hart Report into hospital complaints handling, the case for change has got stronger still. Over the last two years Healthwatch England, the Health and Public Administration Select Committees, Robert Gordon and numerous other organisations have all added their voices to the call for change. A number of local Healthwatch have also undertaken effective work within the limits of the existing system and this has informed our analysis of the challenges and opportunities for improvement.

I wrote to you in October 2014 when Healthwatch England published our report *Suffering in Silence*, which set out findings from conversations with thousands of people who have direct experience of the frustrations of the complaints system in health and social care. We heard that people simply do not know how to complain, and that the complaints system is far too complex and confusing. We found that quality advocacy services are crucial in supporting people through this complexity, but there is poor awareness and low levels of use of the current service. What is more, there are inconsistencies in the quality of advocacy service that is delivered and in many areas a complete lack of provision for users of social care.

Crucially, people lack confidence in the system to resolve their complaints: fewer than half of those we heard from had ever received an apology, two thirds felt their complaint had not been taken seriously and a quarter of those who had received poor care did not complain because they feared it would have negative repercussions on their treatment.

Our work at Healthwatch England has begun to address some of the changes needed. In *My Expectations for Raising Concerns and Complaints* we worked with the Parliamentary and Health Service Ombudsman and Local Government Ombudsman to develop a vision of good complaints handling. This vision has been well received, and there is scope for it to be used to drive up the quality of complaints handling and deliver timely, compassionate resolution

to complaints wherever they are made. In February we published a new set of standards for complaints advocacy services. We wrote to you to ask you to consider the legislative change needed to implement these standards nationally.

We are pleased that the 2010-15 administration put this important issue on the agenda and we recognise the good work that was carried out across the system under that government. We welcome your personal commitment to championing patient safety and quality across health and social care, in which effective complaints handling plays a crucial role.

The welcome inclusion in the Queen's Speech of the Draft Public Service Ombudsman Bill, to bring together the Health Service Ombudsman and the Local Government Ombudsman, should provide a single route of appeal for consumers of health and social care services when local complaints systems fail to deliver justice and resolution. We will be responding to the Cabinet Office's consultation to set out in full our views on the Public Service Ombudsman.

Notwithstanding the action already taken, Healthwatch England thinks that there remains a need for wide-ranging action to ensure that the complaints system across health and social care delivers justice and redress for individuals when services fail them, and that services learn from their own and others' mistakes to prevent the same mistakes happening again.

We have developed a seven point action plan (attached), showing how the new government can transform consumers' experiences of complaining about health and social care services. The action plan proposes a number of critical changes: improved awareness of and access to information on the complaints system; effective complaints advocacy across health and social care; measurement and tracking of improvements in the quality of complaints handling; putting the onus on organisations to ensure complaints reach the right destination; capturing system-wide learning; collecting comprehensive complaints data; and reviewing the whole complaints landscape to deliver a simplified and streamlined system. We urge you to take this plan forward.

We are clear that changes to any one element of the system cannot be made in isolation. We need action that addresses local and national complaints resolution, investigations and learning, and regulation. Even if all the necessary changes do not happen simultaneously, we need a clear plan from the outset so that, when the reforms are complete, a comprehensive new system meets the full range of people's needs.

We hope you will be happy for us to discuss with your officials the ways in which progress could be made on some of these wider issues within the scope of the Draft Public Service Ombudsman Bill, together with consultation alongside the Draft Bill on the capture of system-wide learning from complaints and on complaints advocacy.

I look forward to your response to this letter in accordance with the Act, and would welcome a conversation about how Healthwatch England can continue to work with your Department to take this vital work forward.

Best wishes,



Anna Bradley

Chair, Healthwatch England