

Mr Calum Campbell
Chief Executive
Borders NHS Board
Newstead
MELROSE
Roxburghshire
TD6 9DB

16 July 2012

Dear Mr Campbell

Annual letter 2011-12: complaints to SPSO about Borders 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. 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.

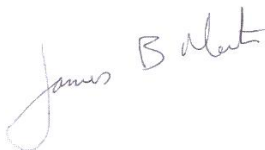
Using complaints information

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

	Borders				Complaints as % of total	Sector Total	Complaints as % of total
	Borders NHS Board		GP & GP Practices	Total			
Complaints received by subject 2011-12							
Admission, discharge & transfer procedures					0%	13	1%
Appliances, equipment & premises					0%	4	0%
Appointments/Admissions (delay, cancellation, waiting lists)					0%	32	3%
Clinical treatment / Diagnosis	8		2	10	50%	436	44%
Communication, staff attitude, dignity, confidentiality	1			1	5%	93	9%
Complaints handling	1			1	5%	34	3%
Continuing care	1			1	5%	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	1			1	5%	3	0%
Lists					0%	19	2%
Nurses / Nursing Care					0%	10	1%
Other					0%	10	1%
Out Of Jurisdiction					0%	9	1%
Policy/administration	1			1	5%	104	10%
Record Keeping					0%	7	1%
Subject Unknown	5			5	25%	217	22%
Sector Total	18		2	20	100%	1002	100%
<i>Complaints as % of sector</i>	2%		0%	2%	0%		

	Borders				Complaints as % of total	Sector Total	Complaints as % of total
	Borders NHS Board	Borders Dentists	Borders GPs	Borders Area Total			
Complaints received by subject 2010-11							
Admission, discharge & transfer procedures	0	0	0	0	0%	9	1%
Appliances, equipment & premises	1	0	0	1	4%	5	1%
Appointments/Admissions (delay, cancellation, waiting lists)	0	0	0	0	0%	35	4%
Clinical treatment / Diagnosis	12	1	2	15	58%	402	45%
Communication, staff attitude, dignity, confidentiality	0	0	0	0	0%	64	7%
Complaints handling	0	0	1	1	4%	27	3%
Continuing care	1	0	0	1	4%	3	0%
Failure to send ambulance/delay in sending ambulance	0	0	0	0	0%	1	0%
Hotel services - food, laundry etc	0	0	0	0	0%	4	0%
Hygiene, cleanliness & infection control	0	0	0	0	0%	1	0%
Lists (incl difficulty registering and removal from lists)	0	0	0	0	0%	20	2%
Nurses / Nursing Care	1	0	0	1	4%	13	1%
Other	0	0	0	0	0%	8	1%
Policy/administration	3	0	1	4	15%	143	16%
Record Keeping	0	0	1	1	4%	10	1%
Out Of Jurisdiction	0	0	0	0	0%	1	0%
Subject Unknown	2	0	0	2	8%	142	16%
Total Complaints	20	1	5	26	100%	888	100%
<i>Complaints as % of sector</i>	2%	0%	1%	3%	0%	100%	

Health Complaints Determined 2011-12		Borders		Sector Total
Stage	Closure Category	Borders NHS Board	Total	
Advice	Complaint - Body out of jurisdiction			1
	Complaint - Matter out of jurisdiction (discretionary)			4
	Complaint - Matter out of jurisdiction (non-discretionary)			14
	Complaint - No decision reached	7	7	225
	Complaint - Outcome not achievable			9
	Complaint - Premature	4	4	259
	Total	11	11	512
	Early Resolution 1	Matter out of jurisdiction (discretionary)		
Matter out of jurisdiction (non-discretionary)				15
No decision reached				38
Outcome not achievable				16
Premature		1	1	29
Total	1	1	127	
Early Resolution 2	Complaint fully upheld			11
	Complaint not upheld	2	2	34
	Complaint partly upheld			14
	No decision reached			8
Total	2	2	67	
Investigation 1	Complaint fully upheld			34
	Complaint not upheld	1	1	83
	Complaint partly upheld	2	2	67
	No decision reached			2
Total	3	3	186	
Investigation 2	Complaint fully upheld	1	1	22
	Complaint not upheld	1	1	2
	Complaint partly upheld	1	1	18
	No decision reached			1
Total	3	3	43	
Total Complaints		20	20	936

Premature total	5	5	288
Premature %	25%	25%	31%
Fit for SPSO Total (ER2, Inv 1 & 2)	8	8	296
Total uphold/partly upholds	4	4	166
% Upholds/Partly Upholds of Fit for SPSO	50%	50%	56%

Health Complaints Determined 2010-11		Borders				Sector Total	
Stage	Closure Category	Borders NHS Board	Borders Dentists	Borders GPs	Borders area total		
Advice	Premature	1	0	0	1	218	
	Body Out of Jurisdiction	0	0	0	0	0	
	Out of Jurisdiction (Discretionary)	0	0	0	0	5	
	Out of Jurisdiction (Non-Discretionary)	0	0	0	0	8	
	Outcome Not Achievable	0	0	0	0	3	
	No Decision Reached	5	0	0	5	216	
	Other	0	0	0	0	0	
	Total	6	0	0	6	450	
	Early Resolution 1	Premature	3	0	0	3	37
		Body Out of Jurisdiction	0	0	0	0	0
Out of Jurisdiction (Discretionary)		0	0	1	1	28	
Out of Jurisdiction (Non-Discretionary)		1	0	0	1	9	
Outcome Not Achievable		0	0	0	0	18	
No Decision Reached		0	0	0	0	28	
Total	4	0	1	5	120		
Early Resolution 2	Premature	0	0	1	1	5	
	Out of Jurisdiction (Discretionary)	1	0	0	1	8	
	Out of Jurisdiction (Non-Discretionary)	0	0	0	0	1	
	Outcome Not Achievable	0	0	0	0	2	
	No Decision Reached	0	1	0	1	12	
	Fully Upheld	0	0	0	0	10	
	Partly Upheld	0	0	2	2	14	
Not Upheld	1	0	0	1	46		
Total	2	1	3	6	98		
Investigation 1	Outcome Not Achievable	0	0	0	0	2	
	No Decision Reached	0	0	0	0	10	
	Fully Upheld	2	0	0	2	34	
	Partly Upheld	2	0	1	3	21	
	Not Upheld	2	0	0	2	64	
	Total	6	0	1	7	131	
Investigation 2	No Decision Reached	0	0	0	0	2	
	Fully Upheld	1	0	0	1	21	
	Partly Upheld	0	0	0	0	15	
	Not Upheld	0	0	0	0	3	
	Total	1	0	0	1	41	
Total Complaints	19	1	5	25	840		

Premature total	4	0	1	5	260
Premature %	21%	0%	20%	20%	31%

Fit for SPSO Total (ER2, Inv 1 & 2)	9	1	4	14	270
Total uphold/partly upholds	5	0	3	8	115
% Upholds/Partly Upholds of Fit for SPSO	56%	0%	75%	57%	43%