



**Rotherham Doncaster
and South Humber**
NHS Foundation Trust

GUIDE FOR INVESTIGATORS COMPLETING COMPLAINT RESPONSES



GUIDE TO INVESTIGATORS ON COMPLETING COMPLAINT RESPONSES

1 THE COMPLAINT FORMAT

1 Brief letter

- address needs to be added even though it is going via email.
- pulling out the salient points
- providing reflections on findings
- Standard phrases
- Easy read language
- Consider the audience.
- Not repeating the details of the investigation
- Should not be more than 2 pages long

Layout

- 1.5 spacing
- Ariel 12 unless the person has specific needs.
- Short paragraphs

2 Appendix 1

- Investigation always goes into the appendix.
- Make reference/provide brief detail of to the questions being asked/comments being made by the complainant.
- Subject heading

3 Appendix 2

- Always include a care plan if action/ learning identified.

Care plan example;

ROTHERHAM DONCASTER AND SOUTH HUMBER NHS FOUNDATION TRUST

COMPLAINT LEARNING AND ACTION PLAN

| | |
|------------|----------------------|
| Ref Number | <input type="text"/> |
|------------|----------------------|

CURRENT LIVE ACTIONS

| Identified concerns/issues/problems | Action agreed | Lead for implementing the actions | Date for Completion | Date Completed |
|-------------------------------------|---------------|-----------------------------------|---------------------|----------------|
| | | | | |

2 THE CONTENT

1 Beginning

- Thank you for raising your concerns with us.
- I write further to my letter dated 22 February 2023, regarding your concern that
- Please accept my sincere condolences following the death of your father. We want to provide the very best care for all, and it is clear that we have lessons to learn from our support for your family.
- I am writing to you further to my letter dated 13 March 2023. I understand that your concerns are ..
- I am writing to you following the complaint made about the service and care you have received from..
- I am writing to you following your complaint regarding the care and treatment received by you between xxx and xxx from xxx
- I am writing to you following your complaint about the service and responses that both you and your daughter xx have received from xx

- The information below is about your letter dated xxx and includes responses to the additional information you shared during telephone discussions on xxx

1.1 Consent (to complain on behalf of others)

- Thank you for sending signed consent from xxx , which confirms that you may pursue a complaint on her behalf and in so doing may receive information, some of which may be confidential to xxx

1.2 Advocacy

- I understand that you are being supported with your complaint by xxx from xx Advocacy and that you have signed a consent form, confirming that xxx may pursue the complaint on your behalf – hence this reply is copied to him/her

2 Content

2.1 First section

- As part of the investigation undertaken, we have reviewed the healthcare records, and spoken with the relevant staff members involved with you /xxx during xx
- I am advised by the team who have reviewed the record
- The appendix seeks to provide information tackling each issue you raise.
- The context to your complaint would appear to be ..

2.2 Main content

- We want to provide the very best care for all, and it is clear that we have lessons to learn from our support for your family.
- In places it is clear that whatever the intention of action by our staff, we fell short of our own standards. For example ..
- At other times our communication did not meet my expectations, specifically ...
- The issues you raise suggest serious failings on our part. We will making immediate changes as a result
- We would like to apologies for the inaccuracies in the outcome letter
- Discharge planning is an important part of providing care to our patients. It supports families and carers at a difficult time - and we should have communicated it a way that you and your family felt was appropriate and included you. I apologise that we got this wrong.
- I should be clear from the outset that we do not agree with your view of your experiences. I understand that this may be distressing for you, and my intention is solely to be clear with you with what our enquiries have concluded.
- We apologise for your experience of this. We have included below information from the assessments and decisions made regarding the equipment provision.
- I quite understand that you are concerned by

- In so far as you had cause to complain about our teams, our investigation finds that they acted in line with good practice and in your best interests. Specifically ...
- In essence our investigation has concluded that the actions taken at the time were consistent with local and national safeguarding practice
- The expectations of how staff should respond and act upon information such as you had discussed at the time with the practitioner about xxx , should have been...
- the investigation has found that decision making around medication was based on research and NICE (National Institute for Health and Care Excellence).
- In places it is clear that we again fell short of our own standards.
- Communication around xxx care was both delayed and at times poor.
- This is not the level of communication I would want to see from our services.

3 Learning

- we have already implemented changes to effect improvement by ...
- We have also addressed this in one-to-one supervision with the members of staff involved and will be regularly monitoring improvement through auditing
- As a result of your feedback, we are looking at how we can improve the communication process of ..

4 Summary

- I would hope that the candour and detail of our response reflects our concern to improve. I have discussed how we learn from complaints with the unit's service manager
- I am confident that we have looked with appropriate seriousness into your concerns. I understand that you may disagree with the findings of our investigation.
- Your complaint, and the concern you voice on behalf of your family, have been taken extremely seriously. My letter describes changes made and to be made as a result.
- The investigation has been as thorough as possible and has focused upon the relevant health records.
- Information and advice have been sought from the Trust's Safeguarding staff and the current Head of Service within .

5 End

- If you wish to discuss this further and/or arrange a meeting with the appropriate Trust representatives, please do not hesitate to contact Amanda Scott, Patient Safety, and Investigation Complaint's Secretary, in the first instance. Amanda will do her best to help and discuss the options available for resolving your complaint. You can contact her by telephoning the Patient Safety and Investigation Team on 07967793306.
- If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for

your information. For further information/guidance about the process available, please do not hesitate to contact the Patient Safety and Investigation Team, on the telephone number detailed above.

3 ADDITIONAL AREAS

Apologies

Apologising is not an admission of liability nor is it disbelieving our staff member who says x never happened. It is simply owning the distress someone describes. We never intend that distress so are happy to apologise.

I apologise that we made a mistake.

We regret that this occurred.

We apologise for your experience of this

We would like to apologise for the inaccuracies

Other bodies – GPs, hospitals, commissioners etc

We should always be balanced in our comments about others. It is not our place and not helpful in implying it is someone else's fault.

The so what

Learning is key and sharing the learning even more important - people raising concerns often want confidence that we have heard them and that something will be done to stop a mistake reoccurring.

We need to look for ways to offer that assurance in closing letters without it being formulaic.

Actions plans must be meaningful and clear. Written in a way patients and families/carers will understand.

4 ENDING THE COMPLAINT

Sign off

Name and signature should always be framed as mostly lower case:

Yours sincerely

Toby Lewis

Chief Executive

5 COMPLAINT EXAMPLES

EXAMPLE 1

Xx/xx/xx/xx

September 2023

Private and Confidential

Dear

Re: Formal Complaint

I am writing to you following your complaint about the service and responses that both you and your daughter xxxx, have received from the xxxx.

Thank you for sending signed consent from xxx, which confirms that you may pursue a complaint on her behalf and in so doing may receive information, some of which may be confidential to her.

The information below is about your letter dated xxx 2022 and includes responses to the additional information you shared during telephone discussions on the xxx 2023. As part of the investigation undertaken, we have reviewed the healthcare records, and spoken with the relevant staff members involved with xxx during

The appendix seeks to provide information tackling each issue you raise. In places it is clear that whatever the intention of action by our staff, we fell short of our own standards. For example .

At other times our communication did not meet my expectations, specifically xxxx

Following receipt of this letter, if you wish to discuss this further and/or arrange a meeting with appropriate staff to facilitate these discussions, please contact xxx , Lead Investigator, by telephoning the Patient Safety and Investigation Team on telephone number 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information.

Yours sincerely

EXAMPLE 2 – BRIEF NOT UPHELD

/xxx /xx /xxx

Xxx 2023

Dear xxx

Re: Formal Complaint

I write further to my letter dated 22 February 2023, regarding your concern that you were assaulted whilst being an Inpatient on xxx. I understand that you are being supported with your complaint by xxx from xxx Advocacy and that you have signed a consent form, confirming that xxx may pursue the complaint on your behalf – hence this reply is copied to him/her.

Our investigation has been based on information collated from the electronic record and discussion with the professionals involved in your care at the time.

I should be clear from the outset that we do not agree with your view of your experiences. I understand that this may be distressing for you, and my intention is solely to be clear with you with what our enquiries have concluded.

Why was I assaulted by staff whilst being under the care of RDaSH during my stay on ...

Our investigation finds that you were not assaulted. The clinical record keeping shows three incidents on xxxx staff used the Resistant Restrictive Interventions (RRI) approach. These are clinical interventions that restrict or limit what you can do or where you can go through the use of physical restraint, fast acting medication, or seclusion. This approach was used as all de-escalation attempts to assist you had failed. This means the team tried to talk to you and help you to become calm.

The policy at the Trust is for inpatient staff to de-escalate situations as the least restrictive measure, to assist in managing a difficult or tense situation from escalating to violence and aggression. The investigator has noted that staff adhered to this policy to try to minimise risk and maximise your safety and our staff's safety.

The de-escalation techniques employed as noted in the record consisted of staff attempts to discuss ongoing medicines with you throughout admission as you were not taking your medicines as prescribed. This meant that an injection was needed.

The team say they attempted to speak to you to encourage you to take part in your treatment but that this did not work. This meant you were in distress. In our view you then threatened and assaulted staff.

Our Learning & Development Facilitator for Resistant Restrictive Intervention training reviewed the evidence from our notes and records. They concluded that the preventative methods used to manage your aggression were proportionate to the situation to ensure risk mitigation. They specifically did not consider that our actions gave rise to safeguarding concerns.

I am confident that we have looked with appropriate seriousness into your concerns. I understand that you may disagree with the findings of this investigation.

Following receipt of this letter, if you wish to discuss this further and/or arrange a meeting with appropriate staff to facilitate these discussions, please contact xxx, Lead Investigator, by telephoning the Patient Safety and Investigation Team on telephone number 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information. For further

information/guidance about the process available, please do not hesitate to contact the Patient Safety and Investigation Team, on the telephone number detailed above.

EXAMPLE 3 SAFEGUARDING

xx/xx/xx/xx

xxx 2023

xxxx

Email:

Dear xxx

Re: Formal Complaint

I am writing to you following your complaint regarding the care and treatment received by you between 2010 to 2013 from xxxx

Your concerns are about xxx .

Brief couple of lines of what was being reported...

In essence our investigation has concluded that the actions taken at the time were consistent with local and national safeguarding practice at the time.

I am truly sorry for the experiences you have described. I hope that my response has assured you that your complaint has been taken seriously by the Trust – we have considered the issues you raised and reflected on the right way to approach your historic concerns.

I hope that you feel we have considered your concerns in an appropriate manner.

Following receipt of this letter, if you wish to discuss this further and/or arrange a meeting with appropriate staff to facilitate these discussions, please contact Ms Pearce, Lead Investigator, by telephoning the Patient Safety and Investigation Team on telephone number 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information.

Yours sincerely,

EXAMPLE 4 SERIOUS CONCERN

xx/xxx/xxx/xx/xx

xxx 2023

Private and Confidential

Dear

Re: Formal Complaint

Thank you for raising your concerns with us. The issues you raise suggest serious failings on our part. We will making immediate changes as a result, as whilst we are not sure that routinely such errors arise, that they did in your case is troubling. I am discussed with our medical director and chief operating officer what else we can do to ensure me that this situation will not arise again for someone else.

We would like to apologies for the inaccuracies in the outcome letter that was sent to your GP on xx 2023. The information is pertaining to you, and we have already implemented changes to effect improvement by ensuring that all our letters now go through a quality assurance process. We have also addressed this in one-to-one supervision with the members of staff involved and will be regularly monitoring improvement through auditing of a random selection of letters on a regular basis.

Why wasn't I sent the same copy of the letter as my GP so then I could have corrected the inaccurate information a lot quicker?

The historic standard procedure is that patients get a simplified version of the letter that is sent to the GP which is person centred and focused on them. In future, the service has agreed to ensure that patients are routinely asked their preference with regards to receiving copies of their letters and to ensure this is recorded on their clinical record.

What assurances can be provided by the service that such mistakes would not be repeated again?

The service has now implemented auditing, by letters being quality assured and supervision to minimise occurrences of any further incidents. However, in addition, I am personally reviewing with colleagues our correspondence standards. Revised guidance for all Trust service will be issued before the end of January 2024.

What initiatives are being done to improve mental health services with regards to communication of outcomes after assessments and support during waiting times to access interventions?

The xxx Team is a xxx service

The team is based in and can be contacted for enquiries regarding any changes to presentation or circumstances during the waiting times to access services and

relevant advice would be provided using a biopsychosocial approach. Discussions are ongoing with the GPs to ensure they provide accurate information about mental health services inclusive of primary care to reduce unrealistic expectations and other services that can be accessed during waiting times for interventions.

The GP surgery also has access to a mental health worker that can provide any relevant advice required during waiting times.

If you wish to discuss this further and/or arrange a meeting with the appropriate Trust representatives, please do not hesitate to contact Amanda Scott, Patient Safety, and Investigation Complaint's Secretary, in the first instance. Amanda will do her best to help and discuss the options available for resolving your complaint. You can contact her by telephoning the Patient Safety and Investigation Team on 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information. For further information/guidance about the process available, please do not hesitate to contact the Patient Safety and Investigation Team, on the telephone number detailed above.

EXAMPLES 5 CRISIS AND MEDICATION

xx/xx/xx/xx

xxx 2023

Private and Confidential

Dear

I am writing to you following your complaint about the service and responses that both you and your xxx have received from xxx Mental Health Services.

I wrote to you on xxx 2023 in relation to your complaints about the xxx service. Within this report I have responded to your complaints regarding our community services.

As part of the investigation undertaken, we have reviewed the healthcare records, and spoken with the relevant staff members involved with xxx. Thank you for sending signed consent from xxx which confirms that you may pursue a complaint on xxx behalf and in so doing may receive information, some of which may be confidential to xx.

The appendix seeks to provide information tackling each issue you raise. In places it is clear that we again fell short of our own standards. Communication around xxx care was both delayed and at times poor. This is not the level of communication I would want to see from our services.

There was also miscommunication with you about xxx medication however the investigation has found that decision making around medication was based on research and NICE (National Institute for Health and Care Excellence).

With regards to advice given to you in relation to crisis management. Whilst I acknowledge that we do have to advise families to go to A&E, call and ambulance or ring 999. I feel this should have been included in a safety/risk management plan that should be co-produced with you and xxx . This would have allowed you to be part of the decision making.

Supporting xx at home was extremely difficult and no doubt distressing for you, and we must never forget the impact of this has on you as a family. Not involving families in discussions and care planning I believe further adds to your levels of distress and I sincerely apologise for this.

I do feel it is important to let you know that at this time, there is currently a lot of work being done regarding the transformation of both Crisis and Community Mental Health Services across the Localities of Rotherham Doncaster and South Humber (RDaSH) NHS Foundation Trust. A recent change to the service that has already been implemented is xxxx . Also, as part of the Crisis Transformation process, xxxxx are being reviewed. I feel that your and xxxx experiences must be fed into this work.

Please let xxx know whether you would like a meeting being arranged with yourselves and appropriate Trust representatives, when you have received this letter. You can contact xxx by telephoning the Patient Safety and Investigation Team on 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information. For further information/guidance about the process available, please do not hesitate to contact the Patient Safety and Investigation Team.

Kind regards,

Yours sincerely

EXAMPLE 6 GENERAL

Xx September 2023

Private and Confidential

Dear

Re: Formal Complaint

I am writing to you following your complaint about the service and responses that both you and your daughter xxxx, have received from the xxxx.

Thank you for sending signed consent from xxx, which confirms that you may pursue a complaint on her behalf and in so doing may receive information, some of which may be confidential to her.

The information below is about your letter dated xxx 2022 and includes responses to the additional information you shared during telephone discussions on the xxx 2023. As part of the investigation undertaken, we have reviewed the healthcare records, and spoken with the relevant staff members involved with xxx during

The appendix seeks to provide information tackling each issue you raise. In places it is clear that whatever the intention of action by our staff, we fell short of our own standards. For example xxxx

At other times our communication did not meet my expectations, specifically xxxx

Following receipt of this letter, if you wish to discuss this further and/or arrange a meeting with appropriate staff to facilitate these discussions, please contact xxx , Lead Investigator, by telephoning the Patient Safety and Investigation Team on telephone number 07967793306.

If you feel that there is nothing more that we can do to answer your complaint, but you still do not feel satisfied, then you may also contact the Parliamentary and Health Service Ombudsman (PHSO) to ask for a review of your complaint and I have enclosed a leaflet for your information.

Yours sincerely

DRAFT