



NHS Management Executive  
St. Andrew's House  
Edinburgh EH1 3DG  
27th January 1998

Dear Colleague

REPORT OF THE HEALTH SERVICE COMMISSIONER

Summary

1. This letter covers the Health Service Commissioner's 6 monthly report for April to September 1997 and the Government's responses to the Select Committee on Public Administration's report on the Health Service Commissioner's Annual Report for 1995-96. They should be distributed widely and used by all Health Boards and NHS Trusts to review performance and take remedial action as required.

Action

2. Enclosed are:

2.1 the Health Service Commissioner's Third Report for session 1997-98 covering investigations completed April-September 1997. This includes epitomes of the selected cases. This is available on the Internet <http://www.ombudsman.org.uk>;

2.2 a note prepared by the Health Service Commissioner giving an extended and updated analysis of the cases dealt with up to 10 December in which intervention has led to action to resolve complaints locally.

2.3 the text of the Government's responses to the Select Committee's Report on the Health Service Commissioner's Annual Report for 1995-96; and

Addressees

For action:  
General Managers,  
Health Boards

Chief Executives, NHS Trusts

General Manager,  
Common Services Agency

General Manager,  
State Hospitals Board for Scotland

For information:  
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General Manager,  
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SCOTTISH HEALTH SERVICE COMMON SERVICES AGENCY TRUSTS	
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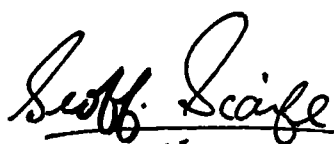
2.4 the Government's further response to the Select Committee's Report on the Health Service Committee's Report on the Health Service Commissioner's Annual Report for 1995-96.

3. Board General Managers and Trust Chief Executives are asked to:

3.1 distribute the Report and additional note as widely as possible;

3.2 ensure that all those staff involved in the complaints process are aware of the problems highlighted by the Commissioner and that appropriate action is taken.

Yours sincerely

A handwritten signature in cursive script that reads "Geoff Scaife". The signature is written in dark ink and is positioned above the printed name.

GEOFF SCAIFE  
Chief Executive

## ISSUES ARISING FROM THE HEALTH SERVICE COMMISSIONER'S 6 MONTHLY REPORT

1. Key Points

1.1 In Mr Buckley's first 6 monthly report since taking up office as Health Service Commissioner in January 1997, he received 1,172 complaints during the period April to September, more than have ever been received in any previous 6 month period. During this period, the Commissioner made 45 full investigations one of which was Scottish, and another 101 cases had further investigation completed locally as a result of his intervention.

1.2 For the first time the Commissioner has included, along with the 10 selected cases in this Report, short summaries for each of the other investigations completed in the period to make all the cases investigated available for consideration and evaluation.

2. New Complaints Procedure

2.1 The Commissioner's investigations have identified shortcomings in the way decisions have been taken by conveners when complainants have applied to them for independent review. As in previous reports, the failure of conveners to obtain appropriate clinical advice was a common problem, as was undue delay in the issuing of their decisions. Your attention is drawn to the helpful note prepared by the Commissioner on cases dealt with up to 10 December 1997 in which intervention has led to action to resolve complaints locally. This note is particularly useful in clarifying the convener's role in the new NHS complaints procedure.

2.2 Your attention was drawn previously to these criticisms in Section 5 of the Commissioner's Annual Report issued under cover of MEL(1997)40 in July 1997 and I know that many of you have provided useful comments and that lessons have been learnt.

2.3 This Report also contains the Commissioner's first investigation of a complaint about an independent review under the new complaints procedure. The Commissioner found that the review panel's efforts were nullified by their failure to take clinical advice on a clinical complaint.

3. The Government's Response

3.1 As you will see, I have included the Government's response to the recommendations in the Select Committee's Report on the Health Service Commissioner's Annual Report for 1995-96 which along with the further Government response concludes the process relating to the Commissioner's 1995/96 Annual Report. The Government's response should be seen as a tool for improving practice

and an indication that the Government are committed to working together with the NHS to improve services for patients.

4. Finally, I would like to take this opportunity to thank all of you who spend a great deal of time and effort in operating the complaints procedure.

**GEOFF SCAIFE**  
Chief Executive