

# Ask Listen Do

Making conversations count  
in health, social care and education



## Tips for health, social care and education organisations and practitioners

Making feedback, concerns and complaints easier for people with a learning disability, autistic people, families and carers.

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## **Tips for health, social care and education organisations and practitioners**

### **Making feedback, concerns and complaints easier for people with a learning disability, autistic people, families and carers**

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#### **Equality and Health Inequalities statement**

Promoting equality and addressing health inequalities are at the heart of NHS England's values. Throughout the development of the policies and processes cited in this document, we have:

- Given due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, and to foster good relations between people who share a relevant protected characteristic (as cited under the Equality Act 2010) and those who do not share it; and
- Given regard to the need to reduce inequalities between patients in access to, and outcomes from healthcare services and to ensure services are provided in an integrated way where this might reduce health inequalities.

This resource is designed to signpost organisations and practitioners to relevant sources of legislation and guidance. It is not intended to be, nor should it be relied upon as being an exhaustive list of all legal duties and obligations which may apply to organisations and practitioners, and it should not be relied upon as a source of legal advice.

## Welcome



By law, people with a learning disability, autistic people, their families and carers have the same rights to good quality services and person-centred care and support as everyone else. Yet this can be difficult when people are not understood, listened to, or if they do not get the right to complain.

Clear feedback from people with a learning disability, autistic people, their families and carers tells us that existing complaint systems are not working for them as intended. People told us they feel isolated from care planning, that processes can be stressful and complicated and that they often didn't get a response when they plucked up the courage to raise concerns about poor care and treatment.

The 2013 Francis inquiry highlighted the need to recognise the importance of patient complaints, and the need to create robust systems and cultures that are able to deal with and learn from them. Yet the pressure of ever-increasing demands on services and financial constraints can lead to harm and injustice for people with a learning disability, autistic people and their families and carers. Organisations and practitioners have a legal and moral duty to stop this from happening.

The Ask, Listen, Do project supports organisations and practitioners to learn from and improve the experiences of people with a learning disability, autistic people, their families and carers when giving feedback, raising a concern or making a complaint.

Ask, Listen, Do complements the cross-system Quality Matters initiative aimed at improving the quality of adult social care, in particular through its work to value and encourage feedback, compliments and complaints. Additionally, NHS Improvement has recently published new quality standards aimed at NHS trusts which encompass the same 'rights-based' approach as Ask, Listen, Do. We commend them to all organisations.

This Ask, Listen, Do resource is for social care, health and education organisations, large or small, and their practitioners who support people with a learning disability, and autistic people. It has been developed in partnership with national organisations who have agreed to sign up to the principles of Ask, Listen, Do, so that people with a learning disability and autistic people have the same chance of good health, education and social care outcomes as everyone else.

The four key themes within this resource; partnership, communication, processes and leadership will benefit everyone whilst offering an opportunity to reflect on how the organisation is doing. Good communication puts people at ease, making people feel valued and in control of their lives and their situation. Partnerships help to improve communication, building trust and commitment from everyone involved. Working together achieves more than the organisation can do alone. By reviewing policies and practice regularly, organisations stay compliant with the law and it also helps to build trust, partnership and good communication.

Our fourth theme, leadership and culture, underlines the importance of communication, partnership and process. Senior managers should look beyond the statistics and instead focus on the story behind the figures. This will benefit the business by giving a clearer picture of how it is doing in the eyes of the people using the service, their families and carers.

We all have human rights; people with a learning disability and autistic people have the same rights as everyone else. That principle is at the heart of the Human Rights Act 1998 placing a clear legal duty on all organisations to respect the 16 rights to which it refers. We can't change the law but with your help it will enable us to make things easier and more effective.

**Ted Goodman, Family Carer Adviser, NHS England**

**“We’re supporting Ask, Listen, Do because it’s essential that people with a learning disability, autism or both, and their families and carers, have the confidence to make complaints and that organisations listen, put right any mistakes and learn from them.”**

**Rob Behrens CBE, Parliamentary and Health Service Ombudsman**

## Contents

Welcome.....	4
1 Top tip: Work in partnership with people.....	6
1.1 Legal obligations and good practice relating to partnership working .....	7
2 Top tip: Communicate in a person-centred way.....	8
2.1 Legal obligations and good practice relating to communication.....	9
3 Top tip: Processes should follow the law and good practice.....	10
3.1 Legal obligations and good practice relating to processes.....	11
4 Top tip: Leadership and culture.....	13
4.1 Legal obligations and good practice - Leadership and culture .....	14
5 Ask Listen Do principles - for feedback, concerns and complaints .....	16
6 Check your progress against Ask Listen Do principles .....	17
7 More information .....	19
8 Ask Listen Do resources .....	20
9 Thanks .....	20

## 1 Top tip: Work in partnership with people

“Most so-called professionals blame parents for our children's issues rather than listening and understanding and finding out the truth so that our children can receive the services and support they need” - a family carer.

By improving partnership working you can achieve greater equality, mutual respect and satisfaction, as well as more efficient use of everyone's time. You can create a positive, empowering and supportive relationship with everyone working together towards the same goals. Most importantly you should achieve better outcomes for the person with a learning disability and challenging behaviour (The Challenging Behaviour Foundation)<sup>1</sup>.

### **Ask, and then really listen to people and understand the family journey**

- People and their families face issues and complications throughout their life, from childhood into adulthood, across health, social care and education. Their journey and past experiences can shape how they respond when making a complaint, raising a concern or giving feedback. Organisations that support people with a learning disability and autistic people need to understand the context.

### **Be empathetic, understanding and thoughtful**

- Families of people who raise concerns or make a complaint want to make sure their loved one receives the best possible care and outcomes. Often families are described as difficult or troublesome in the media and a recent job advertisement was noted looking for someone to deal with difficult parents. This approach blocks any hope of working in partnership towards a resolution.
- Raising a concern or complaint is often a very emotional experience for people. Recognising and empathising with that helps people feel more at ease.
- If the organisation cannot respond to feedback, concerns and complaints immediately, an open and honest explanation helps to build trust. Let the person know how long it will be before they receive feedback.

### **Make sure you involve everyone equally**

- Organisations should adopt the principles of co-production in everything they do, including when receiving feedback, concerns or complaints. This builds trust and real partnership with people.
- Make sure that people get the support they need to be equally involved in discussions about their care and support, including the use of advocacy.

### **Always be person-centred**

- The person needs to remain at the centre of everything. They are the real experts in what they need and want in any situation.
- Good person-centred approaches in care planning and delivery help to prevent issues arising in the first place. Use the same approach when people are raising a concern or making a complaint.
- Building a long-term relationship, with support, can develop as the person develops themselves.

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<sup>1</sup> <http://www.challengingbehaviour.org.uk/supporting-you/for-professionals/successful-partnership-working.html>

## **Partnership in practice – learning from an independent mental health hospital**

“Skilled and experienced staff worked exceptionally well together as a team, using a variety of nationally recognised assessment tools to create holistic, individualised, person centred care plans... Family members told us that they were involved and included in their relatives’ care and that the service was open and honest, providing regular feedback on their relatives’ care and when things went wrong.”<sup>2</sup>

### **1.1 Legal obligations and good practice relating to partnership working**

- Partnership working is not a new topic. It featured in a White Paper published in 2001, Valuing People: a new strategy for learning disability in the 21st century.
- The **Care Act 2014**, (as amended) sets out local authority responsibilities for identifying, assessing and responding to need. It requires authorities to use a co-production, personalised care and support approach. Carer’s needs **must** also be assessed. The Act also sets out the process for establishing and managing adult safeguarding services. For children moving to adult services it sets out transition arrangements for local and health authorities to follow. There is a legal duty on local authorities to make sure the social care of adults integrates with health services.
- The **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 (as amended)** says that providers should offer services personalised for people. There is a legal duty in the Act that authorities **must** follow called the “duty of candour”. The organisation **must** be open and transparent with people who use services. This includes when dealing with feedback, concerns and complaints (CQC Regulation 20). The Guidance to Regulation 20 says that providers **must** promote a culture that encourages candour, openness and honesty at all levels. This should be an integral part of a culture of safety that supports organisational and personal learning.
- The **Mental Capacity Act 2005** (as amended), says that people should be supported to make their own decisions. If they lack capacity, any decision **must** be made in their best interests involving them as much as possible and those who know them well.
- NHS Organisations have a legal duty to involve each person, and their carer/representative (if appropriate) in decisions about prevention or diagnosis of illness, and their care or treatment. This is under the **National Health Service Act 2006** (as amended by the **Health and Social Care Act 2012**). NHS England has produced guidance about involving people in decisions about their own health<sup>3</sup>.

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<sup>2</sup> <https://www.cqc.org.uk/news/releases/birmingham-independent-mental-health-hospital-rated-outstanding-care-quality>

<sup>3</sup> <https://www.england.nhs.uk/participation/involvementguidance/>

## 2 Top tip: Communicate in a person-centred way

“When you have no idea what is supposed to happen in the very complicated and difficult to navigate process you have no idea who, when or where to complain to. No information is given to you at the start to tell you what to expect, what services should and will become involved, why or when. You only find out this information from other users who compare stories good and bad...”

Good communication helps to put people at ease, helps them to feel in control and makes them feel valued<sup>4</sup>.

### **Provide clear and accessible information**

- Make sure people are able to complain, raise a concern or give feedback through various channels, using a method of their choosing.
- Provide information about how to raise a concern, make a complaint or give feedback in accessible formats.
- Give people who are raising a concern or making a complaint a choice of how you should contact or communicate with them.

### **Communicate with people in a way that works for them**

- People communicate in different ways. Use the right people to make sure everyone can take part, such as a speech and language therapist, a family member or an advocate.
- Make **reasonable adjustments**. Think about what makes it easier to communicate – reduce noise, consider accessibility, and give more time.
- People often have other commitments. They may have clinic appointments, the school run, or dependent relatives, for example. Wherever possible, arrange meetings around those commitments.
- Be creative – find ways to engage in positive conversations with people. Listen to things from their perspective and experiences. This builds trust and creates the conditions for working in partnership rather than against each other.

### **Don't talk service-land – talk real life**

- Using technical terms and jargon that may not be familiar to people makes people feel out of their depth and uncomfortable. If you need to use a technical term, explain what it means.

“Whenever giving feedback I find that it is easier to do this in person but not necessarily to the person or service I am complaining about as I may get angry if I don't get the result I want. If I feel I am getting angry I would get advice from a friend. I don't like talking on the telephone”.

### **Be person-centred – “Nothing about me, without me”**

- Involving people helps to decide what reasonable adjustments are needed. This makes sure everyone can contribute to discussions from the start.
- Show how you support people in different ways. Think about every aspect, including giving people more time to think about what they want to say.

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<sup>4</sup> <https://rcni.com/hosted-content/rcn/first-steps/why-communication-important>



- Create opportunities and positive environments that make people want to communicate.
- Above all, value other people's views, even if at times you disagree with them.

### **Person-centred care in practice**

- The Care Quality Commission describes practice in a small care home for people with a learning disability, where people and relatives were very involved in decisions regarding their care and support needs. Care plans were personalised to reflect people's individual requirements, and staff had an excellent understanding of people's values and beliefs on how they wanted to receive their care and support<sup>5</sup>.

## **2.1 Legal obligations and good practice relating to communication**

- The **Equality Act 2010** protects people from discrimination in the workplace and in wider society. It sets out the different ways in which it is unlawful to treat someone. **Section 149** of the Act places an important duty on public authorities to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. This is known as the Public Services Equality Duty. They should, for example:
  - Communicate with people in ways that work for that person.
  - Provide information in formats that people can understand.
  - Allow extra time for people who have particular communication needs.
- Adult social care services and NHS organisations must comply with the **Accessible Information Standard 2017**. This sets out an approach to meeting the information and communication support needs of patients, service users, carers and parents with a disability, impairment or sensory loss. This means they must:
  - Ask people if they have any information or communication needs, and find out how to meet their needs.
  - Record those needs clearly and in a consistent way.
  - Flag their file or notes so it is clear that they have information or communication needs and include how they will meet those needs.
  - With the person's consent, share information and communication needs with other NHS and adult social care providers.
  - Meet needs: take steps to make sure people receive information which they can access and understand with communication and support if they need it.
- All NHS trusts must meet new 'Learning disability improvement standards' to demonstrate they offer high quality care and treatment. We commend these standards to other organisations providing or commissioning services for people with learning disabilities and autistic people. The Ask, Listen, Do toolbox at the end of this resource is designed to comply as far as possible with those standards.

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<sup>5</sup> [https://www.cqc.org.uk/sites/default/files/new\\_reports/INS2-2699771853.pdf](https://www.cqc.org.uk/sites/default/files/new_reports/INS2-2699771853.pdf)

### 3 Top tip: Processes should follow the law and good practice

“...simplify the process. It is not acceptable to have to complain to multiple services and exhaust their lengthy complaints process before you can reach ombudsmen. There needs to be greater accountability and penalties for local authorities who are regularly breaking the law”.

“Saying sorry is always the right thing to do; not an admission of liability; acknowledges that something could have gone better; the first step to learning from what happened and preventing it recurring.”<sup>6</sup>

#### **Always seek to learn from experiences and improve service delivery**

- Make sure quality assurance processes and procedures are in place for continuous improvement.
- Don't be defensive when listening to someone making a complaint – use your energy to make a positive response. Learn from the experience and make improvements.
- Check that the relevant procedures are being followed in practice. This is an excellent opportunity to involve people and get feedback.
- Create opportunities to inform people about responses to feedback. ‘You said, we did’ announcements are one way to let people hear about how their feedback has changed things.

#### **Keep up to date on developments in the law**

- Organisations must be aware of and follow the legislation that applies to them. Ignorance of the law is not a defence.
- Laws may change when tested in Court cases. Keep policies and procedures under review to make sure they remain legal.
- Train staff to be able to use the relevant legislation.
- Registered practitioners are bound by codes of conduct for their particular professional organisation. Organisations should not ask registered practitioners to carry out activities which go against their code of conduct.

#### **Make sure everyone knows the difference between a complaint and a safeguarding matter**

- Make sure there are clear processes in place for the referral of safeguarding alerts.
- A concern about someone's safety may be a safeguarding matter. If what you are told sounds like a safeguarding concern, then follow your organisation's safeguarding procedures without further delay. This does not stop a concern or complaint being raised about the same matter, but you should be clear with the person that a safeguarding matter takes priority and also tell whoever you report the safeguarding concern to, that it is being reported as a concern/complaint, as well.

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<sup>6</sup> <https://resolution.nhs.uk/resources/saying-sorry/>

- It is essential that there is no delay considering something that may require investigation as a safeguarding matter, whilst the same matter is being investigated as a concern or complaint.
- The person raising a concern can also refer a safeguarding concern to the local authority safeguarding team themselves. Make sure people have the information in a format that works for them.

### **Improving service delivery in practice – learning from a service that supported people with a learning disability**

- There was open and regular communication between people, the provider and the registered manager. Staff cared for people in ways which promoted best practice. Regular checks were undertaken on relatives and staff. People were empowered to make suggestions about how the home was run, and their suggestions were acted upon. Staff understood what was expected of them and were supported by the provider and registered manager. Innovative actions were taken so the home would continuously develop<sup>7</sup>.

## **3.1 Legal obligations and good practice relating to processes**

### **Adult social care and health services**

- **Complaints**
  - All local and health authorities must have a complaints procedure.
  - **The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009** set out the rules on how local authorities, NHS bodies, primary care providers or independent providers should manage complaints.
  - They are specific about who may complain, and the duties of the health or local authority in investigating and responding to complaints including time limits etc.
  - If a complainant is dissatisfied with the outcome of a local authority or health complaint, s/he may refer it on to either the Local Government and Social Care Ombudsman or the Health Service Ombudsman.
- **Autism**
  - The **Autism Act 2009** led to the publication of statutory guidance on how services for autistic adults should be provided. The Government updated this guidance in March 2015 adding more information about supporting adults into employment, training for staff and adult safeguarding.

### **Legislation for children and young people**

- **Complaints**
  - The **1989 Children Act** says that local authorities **must** set up a complaints process for children and young people's services.

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<sup>6</sup> [https://www.cqc.org.uk/sites/default/files/new\\_reports/INS2-2453396981.pdf](https://www.cqc.org.uk/sites/default/files/new_reports/INS2-2453396981.pdf)

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- Local authority children's services **must** establish procedures for dealing with “representations” (which includes complaints) (Children Act 1989 Representations Procedure (England) Regulations 2006).
- The principle of paramountcy remains at the heart of all decision-making. A child's welfare is paramount when making any decisions about their upbringing.
- The appropriate ombudsman can consider matters further, as with adult complaints.
  
- **SEND - Children with Special Educational Needs**
  - The **Children and Families Act 2014**, the **Special Educational Needs and Disability Regulations 2014** and the **Special Educational Needs (Personal Budgets) Regulations 2014** set out what schools and education authorities must do if they believe a child has special educational needs. They set out the procedure for the reassessment of children with SEN who are transitioning to adult services from children's services.
  - Some legislation, like the **Equality Act 2010**, also applies to children. For example, special educational needs such as autism may be a disability under the Equality Act 2010. It offers those students legal protection against discrimination.

## 4 Top tip: Leadership and culture

“...when I pointed out in a very polite manner that my daughter's assessment had been conducted unlawfully, I was told by senior management that I was being disrespectful - they then refused to address any of the many valid issues I had. I sought legal advice and now (because the lawyer verified that they had indeed behaved unlawfully several times), they want to be seen to be professional and nice. Where is the accountability? “

The best leaders we have observed are fully aware of the multiple cultures within which they are embedded, can sense when change is required, and can deftly influence the process (The Harvard Business Review).

Leaders have a disproportionately large effect on the cultures of organisations and systems. By their behaviours, leaders create the conditions that either hinder or aid innovation (Dr Lynne Maher, NHS Institute for Innovation and Improvement)<sup>8</sup>.

### Lead from the top

- Chief executives, senior management and boards must take responsibility for learning from feedback, concerns and complaints in their organisation.
- They should monitor responses to feedback, concerns and complaints in detail to ensure they meet the principles of Ask, Listen, Do, and not just look at the statistics.
- They should always check that learning has taken place, what service improvements have resulted, and engage with and share their findings with the people receiving the service and their families.

### Empower frontline staff

- Train and encourage staff to give a quick and effective response to feedback on matters within their power to change.
- Empower staff to work at improving quality on the front line with the aim of getting things right the first time.
- Encourage staff to respond positively to feedback, seeing and using it as an opportunity to work with the person to put things right.

### Culture

- Senior management must work to create a culture with a positive attitude to improving service delivery. A culture where people using the service and their families can contribute to the development of services.
- Senior management should make sure that their staff are trained, have the necessary skills and values, and have a good work environment to deliver a quality service in.

### Take an Ask, Listen, Do approach to feedback, concerns and complaints

- The Ask, Listen, Do principles are listed in section 5 of this document.

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[http://webarchive.nationalarchives.gov.uk/20160805122928/http://www.nhs.uk/media/2760655/creating\\_the\\_culture\\_for\\_innovation\\_-\\_guide\\_for\\_executives.pdf](http://webarchive.nationalarchives.gov.uk/20160805122928/http://www.nhs.uk/media/2760655/creating_the_culture_for_innovation_-_guide_for_executives.pdf)

### **An example of leadership and culture working well**

- The service was extremely well led, with a clear focus on person centred care, empowering people and their relatives to be involved in their care planning, making their wishes known, and supporting them to be as independent as possible. The quality assurance systems in place were used effectively to monitor performance and quality of care, and the registered manager responded positively to changes and used information to improve the service and care people received<sup>9</sup>.

### **4.1 Legal obligations and good practice - Leadership and culture**

- The board, directors and top management are responsible for the actions of its employees under various laws. Ignorance of them is not a defence in law.
- The **Human Rights Act 1998** protects everyone in the UK, whether visiting or living here. All UK legislation must have regard to people's rights under that Act.
- The **Equality Act 2010** protects people from discrimination in the workplace and in wider society. It sets out the different ways in which it is unlawful to treat someone. **Section 149** places an important duty on public authorities to consider all individuals when carrying out their day-to-day work – in shaping policy, in delivering services and in relation to their own employees. This is known as the **Public Service Equality Duty**. Consideration of equality issues must influence the decisions reached by public bodies – such as in how they act as employers; how they develop, evaluate and review policy; how they design, deliver and evaluate services; and how they commission and procure from others.
- Both the **Care Act 2014** and **Health and Social Care Act 2008 (Regulated Activities) Regulations 2014** refer to the public 'duty of candour'. Public bodies should be open and transparent with the public, particularly when things go wrong.

### **Care Quality Commission**

- The CQC regulates all adult social and health care in England.
- Registered organisations **must** meet and maintain registration standards set out in the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014. These include **Regulation 16** - providers must have effective and accessible systems for identifying, receiving, handling and responding to complaints from people. These include people using the service, people acting on their behalf or other stakeholders. All complaints **must** be investigated thoroughly and any necessary and proportionate action should be taken to put matters right. Assessing how a registered body handles feedback, concerns and complaints is an important part of the inspection process and contributes to the overall findings and grade. **Regulation 20** – providers must provide a culture that encourages candour, openness and honesty at all levels.

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<sup>9</sup> [https://www.cqc.org.uk/sites/default/files/new\\_reports/INS2-2647897887.pdf](https://www.cqc.org.uk/sites/default/files/new_reports/INS2-2647897887.pdf)

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- Breaching any regulation is a serious matter which in some cases may lead to a criminal prosecution. In most cases, the CQC doesn't have the legal powers to investigate individual complaints. However they can still decide to act or intervene if they judge there is a risk to patient safety or the quality of care. It is the responsibility of the registered organisation to investigate feedback, concerns and complaints. Complaints may be escalated to the appropriate Ombudsman if they are not resolved.
- The CQC does have powers to investigate feedback, concerns and complaints involving people detained or restricted under the **Mental Health Act 1983**.

### Ofsted

- Ofsted is the main regulator for children and young people's services including safeguarding. Like the CQC, it registers and inspects a wide range of services.
- The Local Government and Social Care Ombudsman has certain powers to investigate complaints.
- **Section 11** of the **Education Act 2005**, as amended, gives Ofsted power to consider whether to investigate certain complaints, known as qualifying complaints, about schools.
- Qualifying complaints must meet a set of criteria in order for Ofsted to consider investigating them. The complaint, for example, must give rise to wider concerns about the school, rather than affecting an individual<sup>10</sup>.

### Professional codes of conduct

- All social workers, nurses, other healthcare professionals and doctors **must** register with a professional body.
- Members must follow codes of conduct and practice set by their professional bodies.
- Organisations and people can check to make sure a professional is registered. They can also report any concerns about professional practice and conduct to the professional body.
- Full details are available on their websites.

### The Local Government and Social Care Ombudsman (LGSCO) and complaints about schools

- The LGSCO is the final stage for complaints about councils, all adult social care providers (including care homes and home care agencies) and some other organisations providing local public services.
- The LGSCO is also able to investigate some school-related issues in which the local council is usually the responsible body.
- Their factsheet provides more information<sup>11</sup>.

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<sup>10</sup> <https://contact.ofsted.gov.uk/online-complaints-schools>

<sup>11</sup> <https://www.lgo.org.uk/make-a-complaint/fact-sheets/education>

## **5 Ask Listen Do principles - for feedback, concerns and complaints**

### **Ask**

- The organisation asks people about their experiences, and makes it easy for people to share them
- The organisation makes sure that the person, their family, carer or advocate know how to give feedback, raise a concern and make a complaint
- People feel able to speak up when they have feedback, a concern or complaint
- Everyone knows when a concern or complaint is a safeguarding or a criminal issue, and what must happen

### **Listen**

- The organisation really listens to what has been said and is not defensive
- The organisation and staff have the skills to listen to and understand what it feels like for the person

### **Do**

- The organisation does something positive about it in good time and tells the person what they are doing to put it right
- The organisation learns from the feedback, concern or complaint and changes things so the service can improve
- The organisation improves its services by working with the people that use them, listening to and learning from people's experiences



## 6 Check your progress against Ask Listen Do principles

<b>Work in partnership with people</b>	<b>In place and working</b>	<b>Not yet there</b>
There is evidence to show that meetings have been arranged around the availability of the person involved and their supporters – whether family, carers or advocates.		
The organisation can show there are ways of working that mean people with lived experience with different communication needs are fully included in discussions about them.		
The organisation demonstrates that staff work to increase their knowledge of the family background, and use this knowledge in planning services with them.		

<b>Communicate with people in a person-centred way</b>	<b>In place and working</b>	<b>Not yet there</b>
Staff have training and the skills to listen to and understand what it feels like for the person and their family.		
With their consent, staff share this information with other providers as appropriate.		
Staff can show evidence that they communicate with the person in the way that works best for the person, and that all communication with them is accessible.		
Communication needs are flagged on the person's file or notes so that it is clear they have communication needs, and how best to meet them.		

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<b>Feedback, concerns and complaints processes follow good practice and the law</b>	<b>In place and working</b>	<b>Not yet there</b>
Staff are trained and are aware of their responsibilities under Human Rights and Equality legislation, and apply this knowledge in their daily work and decision-making.		
Evidence that feedback, concerns and complaints are dealt with in good time. The person raising the matter has been told what is being done to put things right.		
Managers can demonstrate what has been learned and what service improvements were made.		
People with lived experience and their families will be told the outcome of feedback, concerns and complaints promptly and positively.		

<b>Leadership and culture</b>	<b>In place and working</b>	<b>Not yet there</b>
Managers regularly check compliance with legislation and arrange for policies and procedures to be regularly reviewed and updated as necessary.		
Senior management regularly review feedback, concerns and complaints.		
Senior management check that service improvements have been made.		
Senior management can show how they engage with the people receiving the service and their families.		
There are established training programmes to ensure service quality, and which demonstrate a commitment to the principle of co-production and person-centred care.		

## 7 More information

### **NHS Improvement**

NHS Improvement has recently published 'The learning disability improvement standards for NHS Trusts'. Of four standards, all NHS trusts must follow the first three standards which show they offer high quality services in:

- Respecting and protecting rights.
- Inclusion and engagement.
- Workforce

The fourth standard is for trusts offering specialist services for people with a learning disability and autistic people.

[www.improvement.nhs.uk/resources/learning-disability-improvement-standards-nhs-trusts/](http://www.improvement.nhs.uk/resources/learning-disability-improvement-standards-nhs-trusts/)

### **Ombudsmen**

The Local Government and Social Care Ombudsman and the Parliamentary and Health Services Ombudsman offer various useful publications about making and handling complaints.

[www.lgo.org.uk](http://www.lgo.org.uk)      [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

The LGSCO offers advice on managing the small minority of complainants seen as making complaints unreasonably.

[www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour](http://www.lgo.org.uk/information-centre/reports/advice-and-guidance/guidance-notes/guidance-on-managing-unreasonable-complainant-behaviour)

LGSCO working with Healthwatch England have developed a new and useful 'Single Complaints Statement' for adult social care, Described as 'a one-stop shop for the public and social care professionals... ..on how to make and respond to complaints.

[www.lgo.org.uk/adult-social-care/adult-social-care-resources](http://www.lgo.org.uk/adult-social-care/adult-social-care-resources)

### **Tribunal decisions**

In August 2018 the Upper Tribunal ruled that all schools must make sure they have made appropriate adjustments for autistic children, or those with other disabilities, before they resort to exclusion. [www.autism.org.uk/get-involved/media-centre/news/2018-08-14-landmark-ruling-exclusions.aspx](http://www.autism.org.uk/get-involved/media-centre/news/2018-08-14-landmark-ruling-exclusions.aspx)

### **Always Events®**

Always Events® are aspects of the patient experience that are so important to patients, care partners, and service users that health care providers must aim to perform them consistently for every individual, every time. For more information see:

[www.england.nhs.uk/always-events/](http://www.england.nhs.uk/always-events/)

### **Publication by NHS Resolution**

'Saying Sorry', recently published by NHS Resolution contains useful information about the importance of saying sorry as part of learning from complaints. Written primarily for NHS organisations, its core message about saying sorry is relevant to all organisations that need to comply with the Duty of Candour. It explains also that apologies do not in themselves affect any financial or other liability (**Compensation Act 2006**). The leaflet can be downloaded from:

<https://resolution.nhs.uk/saying-sorry-leaflet/>

### **NICE Guidance**

- NICE Guidance on Learning Disabilities:  
[www.nice.org.uk/guidance/population-groups/people-with-learning-disabilities#panel-pathways](http://www.nice.org.uk/guidance/population-groups/people-with-learning-disabilities#panel-pathways)
- NICE Guidance on Autism:  
[www.nice.org.uk/search?q=Autism](http://www.nice.org.uk/search?q=Autism)

### **Care Quality Commission Key Lines of Enquiry**

[www.cqc.org.uk/what-we-do/how-we-do-our-job/five-key-questions-we-ask](http://www.cqc.org.uk/what-we-do/how-we-do-our-job/five-key-questions-we-ask)

## **8 Ask Listen Do resources**

[www.england.nhs.uk/asklistendo](http://www.england.nhs.uk/asklistendo)

**Resources include materials for autistic people, people with a learning disability, families and others that are relevant to feedback, concerns and complaints in health, social care and education. Some of these materials are available in a template form which organisations can personalise and adopt. A film that can be used to support staff training can be found at:**

[www.england.nhs.uk/asklistendo/organisations](http://www.england.nhs.uk/asklistendo/organisations)

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LEEDS  
LS2 7UE

Email: [england.improvinghealthquality@nhs.net](mailto:england.improvinghealthquality@nhs.net)

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