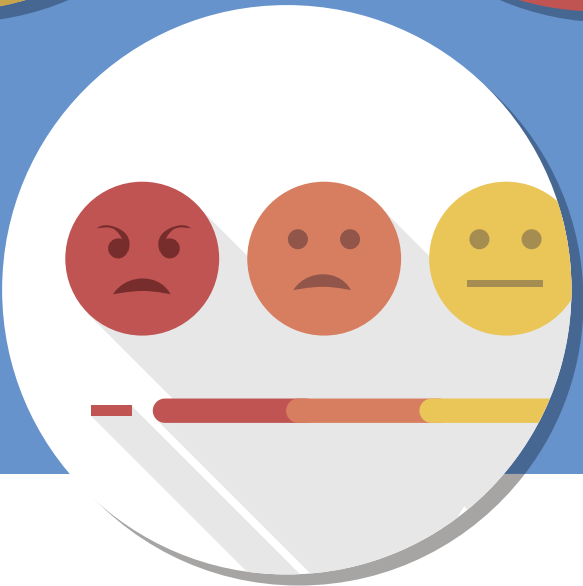


NHS HEALTH COMPLAINTS INFORMATION AND SELF HELP PACK



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Raising a concern/complaint about the NHS:

Make it clear what you are unhappy about

Possible examples include:

- Waiting times
- Attitudes of staff
- Poor communication
- Medication or prescription errors
- Misdiagnosis or delayed diagnosis



TIP... write down clearly and simply what it is you want to complain about.

What would you like to achieve from this complaint?

Think realistically what you want to achieve through your complaint.

Be aware that there are limits to what can be achieved through the NHS Complaints Procedure:

- Complaints cannot be used to take disciplinary action against staff members of the NHS
- Financial compensation is usually only possible through legal action (*if you wish to pursue a legal claim you will need to speak with a solicitor specialising in medical or clinical negligence*)

Who to raise a concern with

- If possible Speak with the NHS staff/manager directly in regards to what you are unhappy about.
- Speak to the Patient Advice and Liaison Service (PALS)

If you feel uncomfortable contacting NHS staff directly, or you have already tried and you feel it has not resolved your issues, then PALS may be able to help. PALS offer confidential advice, support and information on health-related matters. They provide a point of contact for patients, their families and their carers. Please contact hospital for their contact details.

The NHS Complaints Procedure



If you feel that the concerns you have raised have not been resolved or, that there are serious concerns that require investigation, you might want to consider making a formal health complaint.

The NHS Complaints Procedure focuses on attempting to resolve your complaint locally where possible.

Local Resolution

The aim of Local Resolution is to attempt to resolve your complaint with the NHS body /organisation in question. Local Resolution provides you with an opportunity to explain what it is you are unhappy about and what you would like to be done to resolve this. Local Resolution aims to resolve your concerns, where possible and appropriate to do so.

It is very important to raise everything that you are unhappy about at this stage.

New issues can not be added or introduced at a later stage as part of the same complaint.



TIP... Keep records of communication i.e. telephone calls made, letters you have wrote and received regarding your complaint

Time limits for making a complaint

You should normally make your complaint within **12 months** of an incident or of the matter coming to your attention. This time limit can be extended provided you have good reasons for not making the complaint sooner and it is possible to complete a fair investigation.

An example might be that you were too unwell to make the complaint straight away.

How to complain

You can complain

Possible examples include:

- Face to face
- Via telephone
- Send an email
- Write a letter



TIP... If you send a written complaint letter keep a copy for your records so that you can refer to it later.



The appropriate person that you speak to should make a record of your complaint and provide you with a copy. To do this please contact the NHS body concerned, and ask to speak to a member of staff in the Complaints Department.

Complaints in writing should be addressed to the person in charge of the NHS body you are complaining about.

Addressing the complaint

You can complain directly to the NHS body.

In the case of a hospital this would be either the Chief Executive or the Complaint's Manager.
In most GP and dental practices this would be the Practice Manager.

Alternatively you can complain to the commissioners of the service.

- Contact NHS England for complaints about primary care services (GPs, dentists, pharmacists). NHS England also commissions military health services and some other specialised services. Email england.contactus@nhs.net with "For the attention of the complaints team" in the subject line, also their contact telephone number: **0300 311 22 33**
- Clinical Commissioning Groups (CCG's): replaced Primary Care Trusts in 2013 and are responsible for the placing and commissioning of health care services for the local area. You can find your local CCG from accessing the following site: <http://www.england.nhs.uk/ccg-details/> or by contacting NHS England: **0300 311 22 33**
- If you choose to complain directly to the NHS body e.g. the Practice Manager of your GP surgery or the Hospital Complaint's Manager, you cannot then raise the issue with the commissioners of that service (NHS England or the Clinical Commissioning Group). You must instead go to the Parliamentary and Health Service Ombudsman.

The Complaints letter should include

- Name of the staff member involved in the complaint (if you know this)
- Place where the incident happened
- Dates, times, time periods
- What happened?
- What specific points or questions do you want to be addressed in the response?
- What outcome are you hoping for from the complaint?



TIP... You could give the complaints service a call to check they have received your letter.



TIP... If your complaint concerns more than one NHS organisation you only need to send a letter to one of the Organisations. The organisations will liaise with the other organisations involved and provide you with a coordinated response.



Keep to the point
of the complaint

Sample letter

(Your Address)

(Complaints manager name)

(Address of where complaint is going to)

(Date of the letter)

Dear (Complaints Manager)

RE: NHS Complaint – Patients name and date of birth

I am writing to complain about my recent experience in Greendale Hospital. I feel I have been treated without dignity or respect. When I first went to the A&E department on October 10th, I told the A&E doctor, Dr Carter, that I was having severe stomach pains. Dr Carter informed me that it was 'a bug going round' and did not appear concerned or carry out any examinations. I repeatedly insisted to the nurses on A&E that it wasn't a just a bug and that the pains were crippling, however they appeared to ignore me. I found the way the staff spoke to me very patronising and I was discharged with no medical treatment other than a prescription of paracetamol.

On the 11th October I found I could no longer cope with the pain and returned to A&E. I was quickly seen by another doctor who discovered (following tests) that I had a ruptured appendix and I was rushed into surgery. After my surgery I got an infection in my surgical wound as it was dressed incorrectly, this led to me being admitted into intensive care. I have now recovered but it took me a very long time to recuperate after the operation, which has had a negative effect on my physical and emotional health.

The points I would like addressed are:

- 1. Why were no tests completed on my first visit to the hospital on October 10th?*
- 2. If the tests were undertaken during my first visit would this have prevented me from having emergency surgery?*
- 3. I feel all the members off staff on the A&E ward ignored me when I tried to tell them about my concerns and worries?*
- 4. Why did my surgical wound get dressed incorrectly causing me to get an infection and be admitted to intensive care?*

As a result I would like:

- 1. Dr Carter's clinical judgment to be reviewed so that this does not happen to anyone else.*
- 2. An explanation of why I was treated unfairly by staff, in regards to being ignored and my concerns not taken seriously.*
- 3. The post-surgery staff to have a refresher course on how to dress wounds.*
- 4. A copy of my medical records in relation to this complaint so I have a clear understanding of what was recorded at my visits to the hospital.*

I look forward to hearing your response within the appropriate timeframe.

Yours sincerely,

(Signature)

(Name)

Please note: The people and hospital referred to in this sample letter are fictitious and by no means representative of a genuine situation.

Medical Records

Medical records are used by all NHS services including GP surgeries, community services and hospitals. They are used to record information such as medication, referrals and letters, consultations, diagnosis and hospital inpatient stays.

As part of a complaint, or to aid your decision about whether you want to complain, you may want to access your own medical records.

Under the Data Protection Act 1998, you have the right to see your medical records.

If you want to view your medical records, you may not need to apply for a formal application. Nothing in the law prevents healthcare professionals from informally showing you your own records. You can make an informal request during a consultation or by phoning the surgery. Some GP surgeries have given online access to their patient's records.

Applying for Medical Records

Applying to view or receive a copy of medical records you must contact the NHS body responsible and ask to speak to the medical records department. They will then provide you with a specific form that you will need to complete.

- Records should be made available within **40 days** of applying to see them or **21 days** if they have been added to within the past **40 days**.
- You can request someone to view your records with you and explain the content, to make sure you understand all of the information.
- NHS bodies can charge up to £50 for copies of paper records.
- Electronic copies of records should cost no more than £10.



TIP... charges are sometimes waived if medical records are requested in connection to a complaint.

Incorrect or have information missing

- Information can only be removed from medical records if it relates to another patient.
- However, information can be added and your comments can be put under 'Addendum'. This is something to speak to the NHS body about.

Records regarding someone else

- The patient would have to give written consent to the NHS body for someone else to obtain their records. If the patient can't give consent then you will need to seek legal advice.
- This still applies if you are a parent or guardian and want to access your child's medical records.
- If you are seeking records for someone that has died, these can only be obtained by certain people, such as; a Personal Representative or an executor.

If the reason for applying for medical records has not been included in the above then please contact the NHS body will deal with each situation on a case by case basis and will make a decision.

DATA PROTECTION ACT 1998

The only reason you may be declined access to records under the Data Protection Act 1998 is if:

1. Your doctor feels it could harm you or another person to see the information included.
2. Providing them would involve 'disproportionate effort' on the part of a NHS body or GP Practice.



The next step after the complaint has been made

The complaint ought to be acknowledged either verbally or in writing within 3 working days of the NHS body having received your complaint.

The NHS body should provide you with a timescale for investigating the complaint and providing yourself with a written response. If there is a problem in keeping to the agreed timescale they ought to contact you before it expires to agree an amended timescale.

Resolving your complaint

You may be offered a meeting to discuss your complaint and speak to staff directly about what has happened. This is called a Local Resolution Meeting.

Sometimes the NHS uses Conciliation or Mediation services. A Conciliator or Mediator is a neutral and independent person who can arrange to meet with you and those involved (either together or separately) so you can all express your views and to attempt to resolve differences.

Conciliation and Mediation services differ across different NHS Trusts so if this service is offered to you may ask the Complaint's Manager to explain how they work in your area.



TIP... It may be helpful to prepare a list of questions you want to ask at your meeting and bring this with you; try to keep these questions clear and concise. It is also helpful to take any relevant paperwork with you to the meeting.

After the investigation

Once the investigation is finished and any meetings have been held the Complaints Manager or appropriate person from the NHS body should send you a letter within 28 days or within the new agreed timeframe. The letter should contain:

- A summary of your complaint
- What the investigation found and any actions to be taken as a result
- What to do if you are still unhappy with the answers given

Depending on the investigation the letter may also contain:

- An apology
- What actions will be taken as a result of your complaint
- What steps have been taken to prevent the same thing happening to other people

If you are unhappy with the response you can write again to the NHS body to seek further clarification. Other options available to you include:

- Phoning the person handling your complaint to explain why you are still unhappy
- Requesting a meeting to discuss your outstanding concerns

Local Resolution ends when you feel happy with the response from the NHS body or they feel that they are unable to do anything more.

This is the end of Local Resolution.

What if I am not happy at the end of Local Resolution?

If you are not satisfied with way your complaint was handled and investigated you have the right to proceed to the Parliamentary and Health Service Ombudsman (PHSO).

The Ombudsman is independent of both the NHS and of the government.

Their services are free and confidential!

The Ombudsman will look at every complaint that comes to them but they do not (and are not required to) investigate all the complaints referred to them.

They will not normally investigate your case unless you have already tried to resolve the problem using Local Resolution. The Ombudsman can refer you back to the Local Resolution stage of the NHS Complaints Procedure if they think you have come to the Ombudsman too soon, or if they feel that the NHS organisation involved has not done all it can to resolve your issues locally.

You should submit a complaint no later than a year from the date of the incident you are complaining about or from when you first became of the matter. The Ombudsman can extend this time limit e.g. if the process of Local Resolution took longer than a year.

The Ombudsman will not normally investigate a complaint where:

- You do not agree with the decision made by the NHS body but are unable to offer any evidence as to why their decision is wrong
- They decide there is no evidence to support that the NHS body acted wrongly
- They decide that the NHS body has done all they can to put this right
- They decide there would not be a worthwhile outcome from an investigation e.g. if the outcome you are seeking is not obtainable

Completing the Parliamentary and Health Service Ombudsman (PHSO) Form

The PHSO form can be found...

Website: **ombudsman.org.uk/make-a-complaint**

or you can phone **0345 015 4033** and request that a form be posted or emailed to you.

Your correspondence to the PHSO should include where possible:

- **LETTERS OF COMPLAINTS**
- **NHS BODY RESPONSES**
- **MEETING MINUTES**
- **TIMELINE OF EVENTS (IF APPROPRIATE)**
- **EMAILS SENT AND RECEIVED**

These should be arranged in date order and be referred to when completing Section 6 of the PHSO application form 'What was your Original Complaint.'



If you take your complaint to the Ombudsman

If you take your complaint to the Ombudsman, there are three main outcomes:

1. The Ombudsman may decide not to investigate the case and take no further action
2. The Ombudsman may decide not to investigate the case but may ask the NHS provider or practitioner to take action which they think would resolve your complaint more quickly.
3. The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report about the case. The Ombudsman aims to complete 90% of investigations within 12 months.



If your complaint is investigated by the Ombudsman

The Ombudsman will first complete a document outlining their understanding of your complaint. It is important that you check and agree with the accuracy of this as this will form the basis of their investigation. If you disagree with anything it is crucial that you let them know as soon as possible. After the PHSO has conducted their investigation they will write a detailed report about the case. If the complaint is upheld they can make recommendations to the NHS provider or practitioner to put things right.

The Ombudsman's decision

The Ombudsman's decision about your complaint is final. This includes their decision whether or not to investigate your complaint and their decision whether or not to uphold your complaint following an investigation.

Nevertheless...

If you are unhappy with the Parliamentary and Health Service Ombudsman's (PHSO's) decision...

Under certain circumstances it may be possible to request that the PHSO's review service review the decision that has been made regarding your complaint.

The review service consists of a dedicated internal team of caseworkers. They review concerns about the PHSO's decisions and service. The team is independent of their Operations and Investigations Directorate and they will not have had any previous involvement with your case.

The service also has a number of External Reviewers who are not employees of the Parliamentary and Health Service Ombudsman (PHSO). The criteria for referring a case for external review are:

- An external perspective is required on a case
- Complexity and/or sensitivity of a case

Request a review of the PHSO decision

The Ombudsman asks that concerns to them should be made within three months of when they sent you their decision regarding your original complaint. You must also meet one or more of the review criteria. These criteria are:

- The decision made is based on inaccurate facts that could change the decision;
- You have new and relevant information that was not previously available and which might change the Ombudsman's decision;
- The Ombudsman overlooked or misunderstood parts of your complaint. Or they did not take account of relevant information, which could lead to a change of their decision.

There is a form available on the Parliamentary and Health Service Ombudsman's website entitled, 'what to do if you think our decision on your complaint is wrong.'

www.ombudsman.org.uk or you can telephone to arrange for a form to be sent or emailed to you on 0345 015 4033.

Frequently asked questions

Q: My father has died and I did not have his consent to act for him. Can I make a complaint about his treatment?

Yes, you may raise a complaint or take over a complaint on behalf of a friend or relative who has died even if you do not have their written permission. In some cases the NHS may decide not to accept you as a suitable representative, they will discuss this with you.

The NHS body you are complaining to will often have a form that you will need to complete and documentary evidence may need to be provided.



TIP... You may complain on behalf of a friend or relative as long as they agree and you would need to get their permission in writing.

Q: My cousin is 14 years and has a severe learning disability. Can I complain on their behalf without their written permission?

A complaint can be made on behalf of a child (Under 18) if the child is unable to make the complaint themselves. NHS bodies will not consider a complaint made by a representative of a child unless they are sure that the child is unable to complain themselves.

Q: Can I complain about something that happened in the past?

It would depend on how long ago it happened. You should make your complaint within 12 months of the incident occurring or within 12 months of you realising you had something to complain about.

NHS organisations are allowed to use discretion over this if there are good reasons why you could not complain earlier.

Q: My wife/husband has dementia. Do I still need her permission to make a complaint?

If the individual is very ill or has a lack of capacity permission would not be necessary but the NHS body will have to confirm the patient lacks capacity before accepting the complaint. If they do not accept the complaint they must inform you in writing why they have made this decision.

Q: I want to take legal action against the surgeon who operated on me - how do I go about it?

You would need to seek legal action if you want to make a claim for clinical negligence. The NHS Complaints Procedure does not deal with these cases. You can find details of local specialist solicitors by contacting Community Legal Services Direct (see useful contacts at the back of this pack).

Q: Can I complain using the NHS Complaints Procedure about a private nursing home?

You would only be able to make the complaint if the Nursing Home is **funded by the NHS**. The private nursing home will have their own complaints procedure.



If the NHS funded your treatment and care you can complain using the NHS Complaints Procedure. However, if you funded the treatment yourself or the treatment was funded by private medical insurance you would not be entitled to complain to the NHS. All private health centres will have their own complaints procedure which you should use to complain to them directly.

Useful contacts

Community Legal Services Direct

Direct community free legal service.

Tel: 0845 345 4345

Website: <http://www.clsdirect.org.uk>

E-mail: contact@clsdirect.org.uk

CQC

Independent regulators of health and social care services in England.

National Customer Service Centre

City Gate

Gallowgate

Newcastle Upon Tyne

NE1 4PA

Tel: 03000 616 161

E-mail: enquiries@cqc.org.uk

General Dental Council

Regulates dental professionals in the UK.

37 Wimpole Street

London

W1G 8DQ

Tel: 020 7167 6000

Website: www.gdc-uk.org

Email: complaints@gdc-uk.org

General Medical Council

Protects, promotes and maintains the health and safety of the public by ensuring proper standards in the practice of medicine.

Regents Place

350 Euston Road

London

NW1 3JN

Tel Helpline: 0245 357 0022

Website: www.gmc-uk.org

Health watch

Consumer champion for health and social care.

Tel: 03000 68 3000

Email: enquiries@healthwatch.co.uk

Information Commissioners Office

Independent advice and guidance about data protection and freedom of information.

Wycliffe House

Water Lane

Cheshire

SK9 5AF

Tel: 0303 123 1113

Tel helpline: 01625 545 74

Email: casework@ico.org.uk

National Patient Safety Agency

Seeks to learn from patient safety incidents to improve services

Tel: 020 7927 9500

Website: www.npsa.nhs.uk

NHS England

Does work in several areas including commissioning of services and improving patient experience.

PO Box 16738

Redditch

B97 9PT

Tel: 0300 311 22 33

Website: www.england.nhs.uk

E-mail: england.contact@nhs.net

Optical Consumer Complaints Service (OCCS)

An independent and free mediation service for consumers of optical care and the professionals.

Tel: 0844 800 5071

Website: www.opticalcomplaints.co.uk

Email: enquiries@opticalcomplaints.co.uk

The Parliamentary & Health Service Ombudsman

Independent advice and guidance about data protection and freedom of information.

Millbank Tower

Millbank

London

SW1P 4QP

Tel: 0345 015 4033

You can txt 'call back' with your name and number to 07624 813 005

Website: www.ombudsman.org.uk

E-mail: phso.enquiries@ombudsman.org.uk

The information in this document is correct as of May 2016

NHS Complaints Flowchart





Wirral Advocacy Hub

Tel: 0300 2000 083

E-mail: referral@wirraladvocacyhub.net

Website: www.ncompassnorthwest.co.uk