

NHS Health Complaints Information and Self Help guide

Most people are happy with the care they receive from the NHS, but sometimes things don't go as expected.

Everyone has a right to complain if they are not satisfied with their experience.

Self help introduction

This pack has been designed to help people who do not require an advocate but do need some guidance to feel able to pursue a Health Complaint.

We hope the information answers your questions and provides a simple step by step guide explaining the NHS complaints procedure.

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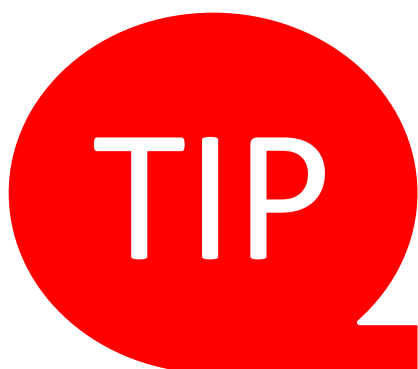
Considerations before making an NHS complaint

Is your concern about something that is happening now?

The purpose of the NHS complaints process is to help you get things put right as soon as possible so that you can carry on with your healthcare without worry or concern.

The complaints procedure says that if your complaint is about current care or treatment your best option may well be to resolve the issue informally using one of the following routes:

- Talk to a staff member involved with your health care, or their manager. This can be a quick route to improve your healthcare and stop things getting worse.
- Talk to someone at the NHS Patient Advice and Liaison Service (PALS) - PALS provides information, advice and support to patients, families and their carers and can be a quick route to improving your health care. For more information visit www.pals.nhs.uk
- You can find The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 by visiting the Department of Health website www.dh.gov.uk.



If you decide to talk to a staff member involved with your health care or PALS, explain you have contacted them rather than going down the formal route because you just want things to improve

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Do you need to make a formal complaint?

The formal NHS complaints procedure applies to all services provided or funded by the NHS including GPs, hospitals, pharmacies, opticians, dentists and the ambulance service. The formal NHS complaints procedure may be the best route to follow if:

- You have raised your concerns but you are not satisfied with the outcome
- Your concern raises serious questions about standards of care
- Your concerns are complex or involve more than one NHS organisation

You can also use the NHS complaints procedure if your complaint covers both health and social care and to complain about NHS funded nursing home care or a home based care package funded by the NHS.

You cannot use the NHS complaints system for complaints that are about:

- Social care alone or other services provide by the council,
- Privately funded health, nursing home or home based care,
- Personnel matters, such as getting staff disciplined,
- Legal issues and claims for compensation,
- Contractual matters and consultations about service changes.

This rest of this pack will tell you what the NHS complaints procedure does and doesn't cover and will help you to understand how it works.

You can use this pack to support you to make a complaint by yourself or you can refer to it as you work through your complaint with your n-compass Advocate.

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Making a formal complaint

Step 1 – Who do I make my complaint to?

Complaining about a hospital, mental health service, a community services provider or ambulance service, contact the complaints manager or the chief executive.

Complaining about a GPs, dentists, opticians, pharmacists, contact the practice manager and ask for the person in charge of complaints for that particular organisation.

Complaining about an independent NHS contractor e.g. a clini-centre or a service provided for NHS patients in a privately run facility, ask them for details of how to make a complaint or approach the relevant commissioner. The organisation you wish to complain about should be able to tell you who this is.



It is helpful to look at the local complaints procedure, this will tell you who is responsible for what and how the system works in your area. The person providing your care should be able to give you details of the complaints process or information about the right person to contact.

Alternatively you can ring the organisation and ask to speak to the person who handles complaints or look on their website for information.

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How do I make my complaint?

If you can, it is usually best to make your complaint in writing, by letter or email. If you do not feel able to do this you can ask to talk to the complaints manager either in person or on the telephone or ask for our support. The complaints manager should make arrangements for a written record of your complaint to be made and a copy should be provided to you.

Who can complain?

You may complain about your own care and treatment or a service failure that has affected you. You can complain on behalf of:

- Someone who has died,
- A child,
- Someone who has asked you to do so provide they give their written consent.
- Someone who cannot complain for themselves because of a Physical incapacity or, a Lack of capacity within the meaning of the Mental Capacity Act 2005



If you wish to make a complaint on behalf of a child, the organisation can only consider the complaint if they are satisfied that there are reasonable grounds for you to make the complaint instead of the child. If they are not satisfied, the organisation must notify you in writing, and state the reason for their decision. **C/YP HEALTH COMP SERVICE**

In addition the organisation has to be satisfied that the complaint is in the best interests of the child. Similarly, the organisation has to be sure that complaints are made on behalf of people who lack mental capacity in their best interests. If they decide not to investigate the complaint they must let you know this and the reasons why in writing.

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What to expect once you have made your complaint- Step 2

Knowing what to expect once you have made your complaint will be helpful:

Your complaint should be acknowledged within 3 working days

The organisation should offer to discuss your complaint and arrange a plan to resolve your concerns with you. They should agree with you a timescale for resolving your issues and how they will keep you informed of progress

They should contact you if they need to change the timescale and agree an amended timescale. The timescales can be influenced by things like how many staff they need to speak to, how easy it is for them to access your medical records and if other organisations are involved in your complaint

There should be an investigation into the issues you have raised, they should help you to understand the complaints procedure or offer information on where to obtain such assistance

Once the investigation is complete the organisation should either write to you to inform you of their findings, or offer you a meeting to discuss them. When the meeting is over, they should write to you with their findings and any agreements you have reached.

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The Response

The organisation should provide a complaint response letter that includes:

- A summary of your complaint,
- What the investigation found,
- What to do if you are still unhappy with the answers given.

Depending on what the investigation found, the letter may also contain:

- An apology, if appropriate,
- An explanation of what action will be taken as a result of your complaint, who is responsible for this action and when it will be completed,
- What steps have been taken to prevent the same thing happening again to other people

The letter should be:

- Balanced, factual and impartial,
- Clear and easy to understand
- If you haven't received this letter within the timescale agreed in the plan you may want to ring or write to check when you can expect to receive it. Organisations are encouraged to review complaints that have lasted more than six months to ensure that everything is being done to resolve them.
- If you haven't received a response letter within six months of your original complaint and the organisation has not agreed a longer time frame with you, you may wish to refer your complaint to the Health Service Ombudsman

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If you are not happy with the response to your complaint- Step 3

If you are not happy with the response to your complaint you have the right to take your complaint to the Health Service Ombudsman.

Unless there are special circumstances, as a rule the Ombudsman will only accept a case if she feels that every effort has been made to resolve the matter locally. Before taking your complaint to the Ombudsman, therefore, it is worth considering the following options:

- Write another letter to the organisation explaining what you think has not been covered,
- Call the person handling your complaint and explain why you are still unhappy,
- Request a meeting to discuss your outstanding concerns.

Further investigation into your complaint maybe carried out. Again, the organisation should contact you to agree a plan for doing this, including timescales.

Once the organisation you are complaining about feels that it has done everything it can to answer your complaint it should advise you of that in writing. This will mark the end of the local part of the complaints procedure and you can then refer your complaint to the Ombudsman.

What happens if I decide to take my case to the Health Service Ombudsman?

If you are not satisfied with the way your complaint has been dealt with by the organisation concerned and feel that you have done everything possible to resolve your complaint at local level, you have the right to take your complaint to the Health Service Ombudsman.

If your complaint also relates to social care, the Health Service Ombudsman can work with the Local Government Ombudsman to consider all aspects of your complaint.

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The Health Service Ombudsman and the Local Government Ombudsman are independent of the NHS, local authorities and of government. Their services are confidential and free.

Timescales for referring a complaint

The Ombudsman will not normally consider complaints that fall outside the timescale for NHS complaints. You can contact them for advice.

Their details are at www.ombudsman.org.uk if there is good reason the Ombudsman may extend this time limit, for example, if you have been unwell or traumatised.

Process for referring a complaint

The Ombudsman will not investigate a complaint just because you do not agree with a decision made by organisation. You will need to offer evidence as to why their decision is wrong or unsatisfactory.

The form available on the Health Service Ombudsman's website will help you to make your complaint and you should send copies of any supporting documentation that will help the Ombudsman to understand why you feel dissatisfied.

What happens once the Ombudsman receives your complaint?

The Ombudsman's service will look at every complaint but it is up to the Ombudsman to decide which cases will be investigated. Normally cases will not be investigated unless all reasonable attempts have been made to resolve the problem using local resolution.

The Ombudsman's service can refer your complaint back to the NHS if it is felt that you have gone to the Ombudsman too soon, or if it is felt that the organisation involved has not done all it can to resolve your issues locally.

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The Ombudsman's office will not usually investigate a complaint where:

- There is no evidence to suggest that the organisation or practitioner acted incorrectly,
- The organisation or practitioner has done all that they reasonably can to put things right,
- There would not be a worthwhile outcome from an investigation (for example, if the remedy you are seeking cannot be achieved).

A member of the Ombudsman's staff will consider whether your case meets the Ombudsman's criteria for investigation. You will be contacted if they need to see clinical records and other papers related to your complaint to decide whether or not they can investigate. A member of the Ombudsman's staff will contact you to let you know the outcome of the assessment.

If the Ombudsman decides to accept your complaint for investigation the complaint will be allocated to a case manager. They will conduct a full investigation and will remain in regular contact with you to update you about progress.

The case manager will request the complaint file from the organisation and will use the information which you have provided and any reports from the Ombudsman's own clinical advisors (if your complaint is about clinical care) as part of the investigation.

Once the investigation is complete the case manager will write a detailed report outlining the findings of their investigation. The report will state whether your complaint has been upheld, partially upheld or not upheld.

If the Ombudsman's office upholds your complaint or part of your complaint it can make recommendations to the organisation or practitioner about actions to put things right.

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The organisation should provide you with a full response to the recommendations within an agreed timeframe. The Ombudsman has an external review process which you can use if you do not agree with the Ombudsman's decision not to accept your case or if you think the Ombudsman's investigation is not satisfactory. However, once you have completed this stage you have exhausted the complaints process and the Ombudsman's decision about your complaint will be regarded as final. If you wish to make a further challenge, you will need to take legal advice.

Tips



Keeping trackOnce you have started the complaints process it may be helpful to keep a record of any telephone calls you make or letters you write or receive about your complaint. Keep copies of any material or letters that you send and use recorded delivery.



Your patient records...If you have received a copy of your patient records and you have concerns it may be worth:

- Asking if any part of your records has not been made available,
- Contacting the Trust or your GP for help to understand the record.

If you think your records are inaccurate, you can ask for a correction to be inserted. You are entitled to a copy of the changed record free of charge. If you have a problem accessing your medical records you can contact the Data Protection Information Commissioner. Contact us for more information.

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Attending a local resolution meeting or taking part in mediation or conciliation...

If you are invited to attend a local resolution meeting or to take part in mediation or conciliation, you may want to check:

The purpose of the event,

- Where and when it is proposed to hold the event,
- How it will be handled,
- Who will be there,
- Whether or not they propose to make a recording,
- Whether there is anything that you should bring with you.

You do not have to attend if you do not wish to, but if you decide not to, it is helpful to say why not as this gives the organisation the chance to see if they can work with you to find another way of addressing issues of concern.

The meeting is a two-way process and is intended to help to resolve your complaint. Do not be afraid to make suggestions about ways the meeting could be organised to enable you to contribute as best you can.

You can take a friend, family-member or advocate supporting you, but you need to let the organisation know in advance. You should also let the organiser know if you want to make a recording so that arrangements can be made.