

# Guide to making a complaint about an NHS service

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[www.healthwatchcoventry.org.uk](http://www.healthwatchcoventry.org.uk)



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## 1. About this Guide

This Guide is designed to help you in making a complaint about an NHS service or organisation, through the NHS complaints process. It has been created by Healthwatch Coventry which is the independent champion for health and social care in Coventry. Healthwatch Coventry's job is to give you a voice and to argue for the interests of all those who use health and social care services in Coventry.

## 2. The NHS Complaints Procedure

Everyone who uses the NHS has a right to complain if they feel that something has gone wrong, if they have been refused a service, or they feel that they have not received an acceptable level of service. In these circumstances you are entitled to:

- Complain;
- Have your complaint investigated;
- Receive a full and prompt reply from the NHS body concerned.

The NHS complaints procedure can be very useful, but it also depends on what you want as the outcome of your issue. The complaints procedure can be used if you want one of the following outcomes:

- An explanation of what went wrong
- An apology for any aspect of your treatment
- An acknowledgement that these events shouldn't happen again, to you or others.
- An explanation of any changes in policy, practice or procedure.
- Steps which the organisation will take to stop it happening again.

The NHS constitution explains your rights when it comes to making a complaint; see: [www.gov.uk/government/publications/the-nhs-constitution-for-england](http://www.gov.uk/government/publications/the-nhs-constitution-for-england)

However, if you want to achieve one of the following there are other procedures that might be better for you to use:

- If you want someone to be disciplined: you could raise a concern about their "fitness to practice" with the relevant professional body. For example if it concerned a doctor it would be the General Medical Council. If you wanted to know which body is the right one to complain to, give Healthwatch Coventry a call on 024 7625 2011.
- The complaints procedure, doesn't usually lead to compensation, if this is part of what you want you would need to consider legal action. This is called "Clinical or Medical Negligence". You would need to take advice from a specialist solicitor, you can find one from either Action versus Medical Accidents or the Law Society. You can also call us and we can provide

information. We cannot recommend solicitors, but we can provide details of various solicitors that may help. You should check any costs before agreeing to interviews or work to be done.

- If you want your experience to be considered as part of a formal inspection of a hospital, health service or social care service you could inform the Care Quality Commission who are the regulators of Health and Social Care in England. <https://www.cqc.org.uk/>

### 3. About the NHS Complaints Advocacy Service

The NHS Complaints Advocacy Service can:

- Support you to make your complaint;
- Provide you with self-help tools that will help you make your complaint;
- Listen to your concerns;
- Explain the NHS Complaints Procedure and provide you with advice about how best to make your complaint;
- Provide an advocate to support you through the complaints process if for any reason you feel that you are unable to make the complaint yourself;
- Signpost you to the right service for you if we are not the right people to give you the help that you need.

The NHS Complaints Advocacy Service **cannot** do the following:

- Advise you on legal matters such as whether the NHS has acted negligently towards you;
- Investigate your complaint for you as this can only be done by the organisation you wish to complain about, or the Health Service Ombudsman;
- Deal with disciplinary matters, complaints about privately funded care, or contractual disputes as these are not matters that are covered by the NHS Complaints regulations;
- Provide counselling or medical advice.

### 4. Who do I complain to?

Normally it is a good idea to direct your complaint first to the local service provider in question such as a GP, dentist, hospital or pharmacist. They will usually have their own policy or procedure for dealing with a complaint. It is a good idea to request a copy of this before you complain.

If you are complaining to any a GP, dentist, or pharmacist organisation you should address the complaint to “the Complaints Manager” at the address of the organisation.

If, however, you're unable or don't want to make a complaint to the organisation that provided you with your treatment, you can instead make a complaint to the "commissioner" of that local service. This is the NHS organisation that pays for the service to be delivered.

The organisation that is responsible for your treatment should be able to tell you who commissions the service, or you can call us on **024 7625 2011**.

## 5. When should I complain?

You should make your complaint to the organisation in question as soon as possible after you have become aware of the matter to be complained of.

The NHS complaints procedure can take some time to deal with your issue. If you have an issue that is about your ongoing care or it is an issue that you feel could be dealt with quickly, then you might want to contact either the Patient Advice and Liaison Service (PALS) or the practice manager at the organisation.

They may be able to deal with your matter quickly and informally.

Complaints using the NHS Complaints Procedure should normally be made within 12 months of the date of the event that you're complaining about, or 12 months from the date when the matter first came to your attention.

The time limit can sometimes be extended (so long as it's still possible to investigate the complaint). An extension might be possible in situations where it would have been difficult for you to complain earlier, for example, when you were grieving the loss of a loved one or had been traumatised by your experience.

The same timescales apply for referring the matter of the Health Service Ombudsman so it is important that complaints are dealt with as soon as possible. The Ombudsman expects that efforts will be made to resolve the matter locally so the sooner this is done the sooner a referral can be made to the Ombudsman.

## 6. The process - usual steps and what to expect?

After you have made a formal complaint a number of different steps may be undertaken. Please be aware that each organisation may have its own system for resolving complaints and it will always be useful to obtain a copy of that organisation's complaints policy if you want to know more about what to expect during the complaint. In general however:

- Your complaint should be acknowledged within 3 working days of the organisation complained of having received your letter of complaint;

- Most organisations will have their own time limit to respond to your complaint, and they should only go over this if it is reasonable and they warn you about this. Although they set their own time limits, the maximum time limit for the final response is 6 months under the NHS regulations.
- Some organisations offer a resolution meeting, which is a chance for you to meet with staff involved with your case and/or investigation team. You should be given a chance to explain the issues that concern you; what you would like to achieve with the complaint and to respond to the issues that they raise. If you are complaining about a particular person they may be present at the meeting. If you don't feel comfortable with this, let someone handling the complaint know before the meeting.
- You are entitled to have someone attend such a meeting with you, if you feel that you need support for a resolution meeting, you can contact us and we may be able to provide an advocate to attending the meeting. You could call our information line on 024 7625 2011 if you need further details.
- The organisation which is the subject of the complaint may offer mediation or conciliation services. This is essentially where an independent person arranges a meeting and listens to both side's views (together or separately depending on the views of each party) and tries to see if both can agree on a way forward together. Mediation is voluntary and you do not have to participate if you don't want to. Again Healthwatch Coventry can provide an advocate who can attend mediation meetings with you. Please call our information line on 024 7625 2011 if you need further details.
- The organisation should keep you informed of the progress of the complaint and, in particular, any details of any delays beyond the suggested timescales above. The organisation should contact you if they need more time to resolve your complaint if it turns out, for example, that it is more complicated than originally envisaged, or the organisation needs to talk to more people than it originally thought it needed to speak to.
- There should be a full investigation into all of the issues that you have raised.
- Once completed the organisation should write to you to inform you of its findings, or offer a meeting with you to discuss the outcome. If the organisation meets with you they should subsequently write to you to confirm the outcome of that meeting and the finding that it has made in relation to your complaint.

When responding to your complaint the organisation should in its letter set out:

- a factual summary of your complaint and the issues that you wanted to be addressed;
- the outcome of the investigation and the reasons for reaching that decision;

- what you should do if you are still unhappy and want to take matters further.

If the investigation has found fault on the part of the organisation complained of then the letter may contain:

- an apology or explanation of what went wrong and why;
- an assurance that specific steps will be taken to resolve the issue or issues, details of who will take those steps and when they will be undertaken;
- details of any steps taken to change policy or procedure to ensure that no one else will be affected by any accepted failures on the part of the organisation.

If you have not received a full response from the organisation in question you may wish to telephone or write to them requesting confirmation as to when you will be able to receive a full response to your complaint.

If you have not received a full response within 6 months of having made your initial complaint, and you have not agreed a longer time scale for resolution, you may want to refer the complaint to the Health Service Ombudsman at that stage. The Ombudsman can then look at the underlying complaint issue or issues as well as the reasons for the lengthy delay in responding to you.

## 7. What if I am unhappy with the response to my complaint?

If you are not happy with the response that you have received you have the right to refer your complaint for independent consideration by the Health Service Ombudsman.

The Ombudsman will usually expect you to make all reasonable efforts to resolve the matter locally with the organisation you complained about, before they will consider looking into your complaint.

They will also require that you complain within the time limits, discussed earlier, or provide a reasonable reason why you couldn't complain within those time limits.

If you haven't had a response from the organisation you complained to within the 6 month time limit you can complain to the Ombudsman and they will look at both the delay and the original complaint.

If you haven't received a final response to your complaint, you can contact the NHS organisation again by any method, but you are not obliged to do so.

Alternatively, if you wanted the organisation to look again at your complaint, you can ask them to do this before going to the Ombudsman. But again neither you nor the organisation has to do this. You could (at this point) go straight to the Ombudsman.

Before you refer your complaint to the Ombudsman you may wish to:

- Write a further letter to the organisation complained of asking them to deal with any outstanding issues or matters raised in the organisation's first response to you which you feel have not been addressed;
- Speak to the person dealing with your complaint over the telephone or request a meeting with them to outline any outstanding concerns that you have.

If the organisation agrees to look into your complaint again a further timescale for completion of these investigations should be agreed with you.

If on the other hand the organisation complained of states that it feels that it has dealt with your complaint as much as it can you should request that this information is provided to you in writing. This means that there is no more need to try and resolve the matter locally and you can then refer your complaint to the health Service Ombudsman if you are still dissatisfied.

## 8. The role of the Health Service Ombudsman

The Health Service Ombudsman is independent of the NHS, local authorities and of central government. The service is both free and confidential.

It is not the Ombudsman's job to take sides in any given dispute, but rather, to investigate matters fairly and independently.

It is important to note that the Ombudsman will not normally deal with complaints which fall outside the time limit for making an NHS Complaint (12 months from the matter to be complained of or the date on which you first became aware of that matter). The Ombudsman can extend this time limit if there is good reason for doing so but delays in referring complaints to the Ombudsman should always be avoided if possible.

The Ombudsman's office **will not** investigate every complaint that is referred to it. They will not investigate a complaint just because you disagree with the view that the NHS body has taken in respect of your complaint. Instead you must show that the NHS body's decision was wrong or unacceptable in some way. If you have any documents which support your complaint, copies of these should be sent to the Health Service Ombudsman along with your complaint.

Once your complaint is received by the Ombudsman, they will acknowledge your complaint and will advise you of any waiting times they have before they decide whether they can investigate.

If they don't investigate, you can ask them to look at it again.

If the Ombudsman decides to investigate your complaint it will be passed to a case manager who will then conduct a full investigation. The case manager should keep you regularly informed of the progress of your complaint investigation. The case manager can request documents from the organisation complained of as well as considering any documents that you have provided as part of your complaint.

Once the investigation is concluded the case manager will write a detailed report setting out his or her findings. The report will state that your complaint has been upheld, partially upheld or not upheld in respect of each issue that you have raised. The reasons for any such decision should be set out in detail in the report.

If the Ombudsman upholds or partially upholds your complaint she may make recommendations for action that the NHS body should complete within a specified time frame. The Ombudsman cannot force the organisation to carry out her recommendations but almost all organisations do in fact comply with recommendations that the Ombudsman makes after an investigation.

If your complaint is not upheld and you remain unhappy the Ombudsman has an external review process that you can pursue, however, once this review process has been concluded there is no further avenue of complaint. If you wish to make a further challenge at that stage you will have to take legal advice.

The Ombudsman's contact details are:

The Parliamentary and Health Service Ombudsman  
Millbank Tower  
Millbank  
London  
SW1P 4QP  
Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)  
Tel: 0345 015 4033

## 9. Important points to remember

- Remember that if you are concerned about something that is ongoing with healthcare or health services to raise that issue as soon as possible with the organisation or person concerned. If necessary ask to speak with the Patient Advice and Liaison Service (PALS) or service manager or complaints manager that deals with that particular organisation;

- If you are unsure about anything regarding your complaint, or any of the matters dealt with in this guide you can call the Healthwatch Coventry information line on **024 7625 2011**;
- If you are making a complaint yourself, or you are making a complaint on behalf of someone else, you may want to use our self-help tools:
  - *How to write an NHS Complaint letter tips*
  - *Template complaints letter*

Remember that these are only suggestions for how you might wish to write your complaint and you are free to write your complaint as you see fit. If this guide has been posted to you then copies of these documents should have been included with your complaint self-help pack. If you have not received these documents please contact the Healthwatch information line number above or download them from our website.

All of our information about making a complaint can be found on our website, along with links to local NHS organisations, details of Patient Advice and Liaison Services and contact details for making a complaint:

[www.healthwatchcoventry.co.uk](http://www.healthwatchcoventry.co.uk)

- The Healthwatch NHS Complaints Advocacy Service can only deal with complaints in respect of NHS complaints service. If you have a complaint regarding a particular medical professional's fitness to practice you may wish to contact:
  - The General Medical Council ("GMC") who regulate doctors;
  - The Nursing and Midwifery Council ("NMC") who regulate nurses and midwives;
  - The General Dental Council ("GDC") who regulate dentists.
- The NHS complaints system does not cover privately funded health, nursing home or home based care

## 10. Complaints about social care services

If your complaint is about social care that is provided by the local authority this cannot be dealt with by the ICAS service for advocacy support.

Healthwatch is able to provide information about the complaints route for such services via our information line.

In some circumstances we can also refer your complaint to the Community Care team at Coventry Law Centre who will be able to advise you further about any complaints or concerns that you have regarding the social care that you or a relative has received, or any failure on the part of the local authority to provide this care.

## 11. Other Healthwatch Coventry work

Healthwatch Coventry also has the role of gathering feedback and views of local people to those who plan and manage services.

This means we gather information from local people to look for patterns that show there may be a bigger problem with a service, which Healthwatch should look at further. The topics of individual complaints we hear about through our ICAS work help to form part of this picture. We can for example see which services are subjects of complaints and match this information with other feedback we are gathering.

We also look at proposals for changes to local health and care services and what this means for patients and the public.

Find out more about all of the work of Healthwatch Coventry via our website: [www.healthwatchcoventry.co.uk](http://www.healthwatchcoventry.co.uk)

## 12. How we use your information

If you contact us for information and support we will need to collect information from you so that we can help.

We use appropriate procedures to keep your personal data safe and secure. We will not pass your personal information to other organisations outside of Healthwatch Coventry without your express consent except where required to do so by law, for example where there is a risk of serious harm to a child or vulnerable adult.

You can view our privacy policy here or we can give you a paper copy if you wish: <https://www.healthwatchcoventry.co.uk/new-privacy-statement>



Healthwatch Coventry is delivered by four local charities: Voluntary Action Coventry; Coventry Citizens Advice; Age UK Coventry and Warwickshire and Central England Law Centre; with Voluntary Action Coventry holding the contract

**Contact us 024 7625 2011**

**Email: [info@healthwatchcoventry.co.uk](mailto:info@healthwatchcoventry.co.uk)**

**Website: [www.healthwatchcoventry.co.uk](http://www.healthwatchcoventry.co.uk)**

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