



Guide to making a complaint about an NHS service



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Healthwatch Coventry
www.healthwatchcoventry.org.uk



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1. About this Guide

This Guide is designed to provide you with a simple resource that can help you in making a complaint about an NHS service or organisation. It has been created by Healthwatch Coventry which is the new, independent consumer champion for health and social care in Coventry. Healthwatch Coventry's job is to give you a voice and to argue for the consumer 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 applies to all services provided or funded by the NHS including GPs, hospitals, pharmacies, opticians, dentists and the ambulance service. You can also use the NHS complaints procedure if your complaint covers both health and social care or to complain about NHS funded nursing home care or a NHS funded home based care package.

The NHS constitution explains your rights when it comes to making a complaint; see:

www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx

One of the key aims of the Constitution is to set out clearly what patients and the public can expect from the NHS. You have the right to:

- have your complaint dealt with efficiently, and properly investigated;
- know the outcome of any investigation into your complaint;
- take your complaint to the independent [Parliamentary and Health Service Ombudsman](http://www.ombudsman.org.uk/)¹ if you're not satisfied with the way the NHS has dealt with your complaint.

¹ www.ombudsman.org.uk/

Since April 2009, the NHS has run a complaints process, which has two stages.

Stage 1: local resolution

Ask your GP, hospital or trust for a copy of its complaints procedure, which will explain how to proceed. Your first step will normally be to raise the matter (in writing or by speaking to them) with the practitioner, e.g. the nurse or doctor concerned, or with their organisation, which will have a complaints or practice manager.

Alternatively, if you prefer, you can raise the matter with the relevant commissioning body such as the NHS England or a local Clinical Commissioning Group (“CCG”).

This process is called **local resolution**, and most cases are resolved at this stage.

Stage 2: Parliamentary and Health Service Ombudsman

If you're still unhappy, you can refer the matter to the Parliamentary and Health Service Ombudsman www.ombudsman.org.uk , who is independent of the NHS and government. Further details are set out below.

If you want to find out more about the NHS complaints procedure you can refer to The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. You can find links to the regulations by visiting the Department of Health website www.dh.gov.uk .

You can also contact Healthwatch Coventry on **024 7625 2011**, or email info@healthwatchcoventry.co.uk or visit our website at www.healthwatchcoventry.co.uk

3. About the Healthwatch NHS Complaints Advocacy Service

The Healthwatch Coventry 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 can't:

- 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 to be complained of.

You can usually also complain to the commissioner of that local service i.e. the body responsible for funding and delivering that service. You might do this in addition to complaining directly to the service or if you feel that the direct service has not dealt with your complaint well and then take it to the commissioner. The commissioners of individual services vary but generally are either the local Clinical Commissioning Group or the NHS England Area Team for primary care service.

NHS England has set up a system for dealing with complaints about primary care services such as GPs and dentists, which can be contacted on the following:

Tel: 0300 311 2233

**Post: NHS England
PO Box 16738
Redditch
B97 9PT**

Email: england.contactus@nhs.net

Clinical Commissioning Groups oversee the commissioning of what is called secondary care such as hospital treatment and some community based services. If you are making your complaint to your local CCG you should address the letter to “the Chief Executive” of the organisation and send it to the address of that organisation.

The NHS is a large and undergoing a lot of changes at present so it can sometimes be confusing as to what organisation your complaint should be directed to. Don't worry: if you are unsure who your complaint should be directed to you can contact the Healthwatch Coventry information line on **024 7625 2011** and they will be happy to help you.

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.

Remember that if an issue is ongoing (for example a problem with the care of patient) then you should contact the Patient Advice and Liaison Service (“PALS”) or practice manager at the organisation concerned immediately and request that they assist you in dealing with the matter. This is because the NHS Complaints Procedure can take some time to conclude and so it is not usually a suitable method of addressing ongoing concerns that need to be dealt with as soon as possible.

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, such as 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 complaints process - usual steps and what to expect?

As described above under the NHS complaints procedure you have the right to:

- Have your complaint dealt with efficiently and investigated fully;
- Know the outcome of any investigation into your complaint
- Refer your complaint to the Health Service Ombudsman if you are still not satisfied with the NHS organisation's response.

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;
- If complaining to a GP, dentist or other local practice a full response should normally be provided within 10 days. If complaining to a NHS trust (such as a hospital or mental health) or CCG a full response should normally be received within 25 days;
- The organisation should agree with you a timescale for resolving your complaint. It should also offer to discuss your complaint with you either in person or over the telephone.
- If the organisation offers to have a “**local resolution meeting**” you are entitled to have someone attend such a meeting with you. You can request that the location of the meeting be altered. There is no requirement for the organisation to agree to any such request, however, it may be that an alternative location can be agreed.

Many complaints can be resolved at these meetings and they are a good forum for you to be able to convey exactly what it is that you are unhappy about and what you feel should be done to resolve the issues that you have. If you are complaining about a particular person they may be present at the meeting. If you feel that you need support in relation to a local resolution meeting Healthwatch Coventry can provide an advocate who can attend the meeting with you. Please call our information line on **024 76 252 011** 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 76 252 011** 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 do make all reasonable efforts to resolve the matter locally with the organisation complained of before she will consider looking in to your complaint.

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.

The Health Service Ombudsman is not a “consumer champion”, 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 you have complained to the Ombudsman you should expect an acknowledgement within 5 working days that you complaint has been received. The Ombudsman's staff will then consider whether your complaint meets the

Ombudsman's criteria for investigation. If it does not the Ombudsman should write to you to inform you of this and provide reasons as to why your complaint will not be investigated.

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
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; 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 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 booklet, you can call the Healthwatch Coventry information line on **024 7625 2 011**;

- 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 and NHS Complaint Letter and*
 - *Draft NHS Complaint 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

- 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 Healthwatch Coventry 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 being the eyes on and ears on local NHS and social care services in order to take the feedback and views of local people to those who plan and manager services.

This means we gather information from local people in order 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 and areas of services are subjects of complaints and match this information with other feedback we are gathering.

Contractual matters and consultations about service changes fall outside the NHS complaints process and Healthwatch advocacy support but are not outside of the work of Healthwatch as a whole. We can do work related to what services are actually being commissioned and how and about plans for service changes through our eyes and ears work.

Find out more about all of the work of Healthwatch Coventry via our website: www.healthwatchcoventry.co.uk

How we use your information

Healthwatch Coventry is a consumer champion for users of NHS and Social Care Services in Coventry, and is delivered by four local charities - Voluntary Action Coventry, Coventry Citizen's Advice Bureau, Coventry Law Centre and Age UK Coventry - as part of the Here 2 Help Consortium.

Personal information which you supply to any of those four charities may be shared between them to deliver the Healthwatch service, for example, to provide you with advice, information or assistance.

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.



Is provided by the Here2Help Voluntary Sector consortium

Contact us 024 7625 2011

Email: info@healthwatchcoventry.co.uk

Website: www.healthwatchcoventry.co.uk

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