



# Advocacy Together Hub Rochdale

## NHS Complaints:

*A Step by Step Guide  
to help you through the  
process.*



# NHS Complaints: A Step By Step Guide

## Introduction

If you are unhappy with the service you or others have received from the NHS, whether it be a hospital, doctor, dentist or any other NHS service, you can raise your concerns about it.

The NHS has a complaints procedure to help you to get the answers, explanations or resolutions to your concerns. By making a complaint, you can help to put things right quickly, as well as ensuring that the NHS can learn from your experience, improving the service for others.

Together for Mental Wellbeing has developed this guidance to help you feel confident about raising any concerns yourself.

It includes:

- 1. First Steps** - things to think about before making a complaint to the NHS
- 2. Making a Complaint** - guidance on the process for making a complaint to the NHS, as well as what do to if you are unhappy with the response
- 3. Help and Support** - information on where to go for further guidance and support for making a complaint.

A set of resources are also available to help you in the complaints process:

**Consent Form** – for gaining consent to progress an NHS complaint on behalf of a friend, relative or partner

**Accessing Medical Records Guidance** – which may be helpful for providing evidence when making your complaint

**Complaint Letter Template** – as well as tips for writing the letter and keeping track of correspondence

**Log Sheet** - for keeping a record of important conversations and agreements throughout the complaints process

## First Steps

Before starting the NHS complaints process, it is helpful to think about:

1. What you are concerned about
2. What you want to achieve
3. Whether or not your concerns can be pursued through the NHS complaints process

Being clear about what your concerns are and what you want to achieve will help you to choose the most appropriate way to raise your concern and ensure that it is dealt with as smoothly and quickly as possible.

### Step 1 – What are you concerned about?

Start by thinking about what your concerns are and write these down. You may have a number of concerns, so it might be helpful to list them under themes.

Examples of things which you might be concerned about include:

- Treatment or care
- The attitude of staff
- Poor communication
- Waiting times
- Lack of information
- Diagnosis
- Medication.

### Step 2 – What do you want to achieve?

Your issues are more likely to be dealt with smoothly if you can be specific and realistic about what you want to achieve from raising a concern. Examples include:

- An explanation of what happened
- An apology
- Changes made so that the same thing doesn't happen to anyone else.

### Step 3 - What are my options for making a complaint?

There are different ways to raise concerns and it helps to think about what you are comfortable with. If your concern is about something that can be resolved quickly, you may prefer to:

- **Speak to a member of staff directly** - Many complaints are caused by misunderstandings that can be quickly put right once the problem is explained. If you feel able to, you can speak to a member of staff directly involved in your treatment, or their manager, about what you're unhappy about.
- **Speak to the Patient Advice and Liaison Service (PALS)** - If you feel uncomfortable speaking to NHS staff directly, or have tried and this has not resolved your issues, then PALS may be able to help. Most NHS organisations have a PALS office which can help with answering questions and resolving concerns as quickly as possible.

Formal complaints to the NHS may be appropriate when:

- You feel that your concerns have not been fully resolved
- What happened raises serious concerns about the standard of care and may require changes to processes to ensure that it doesn't happen to anyone else
- Your complaint is complex and involves more than one NHS organisation.

If you decide that you would like to raise a formal complaint, it will be helpful to read the questions and answers below which help to clarify whether or not your concern can be raised through the NHS complaints service.

### **What is covered by the NHS complaints procedure?**

The NHS complaints procedure applies to all services provided or funded by the NHS including GPs, hospitals, pharmacies, opticians, dentists and ambulance services. It also includes complaints about health and social care services such as NHS funded nursing home care and home based care packages.

### **What is NOT covered by the NHS complaints procedure?**

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

- Social care services alone, or other services provided by the council
- Privately funded health, nursing home or home based care – the private healthcare provider will have their own complaints procedure. If, however, your treatment was funded by the NHS, you can still use the NHS complaints procedure.
- Personnel matters, such as getting staff disciplined – however, action could be taken against a member of staff under a separate procedure as a result of an investigation into your complaint.
- Legal issues and claims for compensation – this is usually only possible through legal action. You will need to speak to a solicitor who specialises in medical / clinical negligence within three years of the incident.

### **Who can complain?**

Any NHS patient can complain. You may complain on behalf of a friend, partner or relative as long as they agree to let you complain on their behalf. It is useful to get their permission in writing using the [Consent Form](#), within our guidance documents.

### **What if my friend, partner or relative is unable to complain or unable to give permission for me to complain for them?**

If your friend, partner or relative is very ill, or does not have capacity to give permission because of an impairment or disability, you may complain on their behalf without permission. The NHS Trust will confirm the patient's lack of capacity before accepting a complaint made on their behalf. If they do not accept the complaint, they must inform you in writing and explain why.

You may raise a complaint or take over a complaint on behalf of a friend, partner 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.

### **Can I complain on behalf of my child?**

A complaint can be made on behalf of a child (under 18) if the child is unable to make the complaint themselves. NHS organisations must not consider a complaint made by a representative of a child unless they are sure that the child is unable to complain themselves. They must inform you in writing if they make this decision and explain why.

### **Are there time limits for making a complaint?**

Generally, you should make your complaint within:

- Twelve months of the incident happening or
- Within twelve months of you realising that you have concerns.

The NHS can use its discretion to look at issues that are beyond these timescales. For instance, if you were too ill to make the complaint straight away the NHS will consider if it is still possible to investigate the complaint effectively and fairly.

## Making a Complaint to the NHS

The sections below take you through the steps for raising a complaint.

- The first stage is called Local Resolution, whereby you raise your concerns and the complaint is investigated by the NHS service you have made the complaint against.
- If you are dissatisfied with the outcome or the way your complaint was dealt with, you may apply to the Parliamentary and Health Service Ombudsman for further investigation.

### Stage 1 - Local Resolution

Local Resolution is the first stage for making a complaint to the NHS. This guidance takes you through how you raise your concerns, what happens in the investigation and what you can do if you are unhappy with the response to your concern.

#### How do I raise my concerns?

- You can complain in **writing**, by letter or email. This should be addressed to the person in charge, such as the Chief Executive Officer, Senior Partner or Practice Manager. A template letter and useful tips can be found in the [Writing a Complaint Letter](#) guidance document.
- You can raise a concern **verbally**, either in person or over the telephone. The NHS organisation should make a written record of your complaint and provide you with a copy.

It is important to raise everything that you are concerned about at this point, as new issues cannot later be introduced as part of the same complaint.

**Useful tip:** use the [Log Sheet](#), contained within the guidance documents, to keep a record of any telephone calls you make and letters/emails you write or receive about your complaint.

#### Who should I make the complaint to?

You can complain directly to the provider of the NHS service. This means you can complain directly to the GP Practice, Dental Practice, Pharmacy, Hospital, Community Service or Ambulance Service. Your complaint should be addressed to the Practice Manager, Complaints Manager or the Chief Executive.

Alternatively, you can choose for the Commissioner of the service you are complaining about to handle your complaint. This may be the local Clinical Commissioning Group or NHS England.

- CCGs commission hospital services, mental health services, out of hours services and NHS 111.
- NHS England commissions primary care services including GPs, Dentists, Opticians and Pharmacies.

For information on how to contact NHS England and your local CCGs visit [www.england.nhs.uk](http://www.england.nhs.uk)

Be aware that you cannot ask for both the NHS provider and the Commissioner to investigate the complaint.

If your complaint concerns more than one NHS organisation, you only need to make a complaint to one of the organisations. They will liaise with the other organisation(s) involved and provide a coordinated response.

It can be confusing to find out where to send your complaint, but many NHS organisations will have details of how to contact them about complaints on their website, or will provide this information if you contact them by telephone or email. You can also ask for advice from your local complaints advocacy service, PALS or the complaints department of any NHS service for guidance. If you get it wrong and send it to the wrong place, that part of the NHS should pass it onto the correct part.

### **What will happen next?**

**Acknowledgement** - The NHS provider should acknowledge your complaint either verbally or in writing within three working days. When they do so, they should:

- Agree with you a timescale for resolving the issues and discuss how they will keep you informed of the progress. The timescales may depend on 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. If there are delays then they should contact you to agree an amended timescale.
- Offer assistance to enable you to understand the complaints procedure or advice on where to find independent support e.g. from your local NHS complaints advocacy service.

**Investigation** - The NHS provider should carry out an investigation into your concerns, which may include speaking to staff members involved and looking into your medical records.

In some cases, you might be invited to a **Local Resolution Meeting** to discuss your complaint and speak to staff directly about what has happened. You can take a friend, relative and/or advocate with you to any meetings that you might have.

You are more likely to find the meeting useful if you prepare a list of questions you want to ask and key points you want to raise. Take this list with you to the meeting, along with any relevant paperwork and information you would like to refer to.

### At the meeting:

- There should be a chair that is responsible for managing the meeting, ensuring introductions are made and that all the issues are discussed.
- A formal record of the meeting will be kept and sent to you afterwards, including a record of any actions agreed. If the meeting is recorded, you should be asked your permission beforehand. If you want to record the meeting, you should notify the organiser in advance.

*Useful tip: Always ask people to repeat points and explain again if you do not understand something. You can also ask for a break if you feel you need one during the meeting, or you can ask for the meeting to be stopped and reconvened at another time if you feel too distressed to carry on.*

Sometimes the NHS uses Conciliation or Mediation services. A conciliator/mediator is a neutral and independent person who can arrange a meeting with you and those involved (either separately or together) so you can all express your views and try to resolve your differences. This process is confidential and should be explained to you beforehand so that you can decide whether or not it is something you want to participate in.

### **What happens after the investigation?**

Once the investigation is finished you should be sent a letter containing:

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

Depending on the investigation the letter may contain:

- An apology, if relevant
- What actions will be taken and when
- Who is responsible for making this happen
- What steps have been taken to prevent the same thing happening to other people.

The letter should:

- Be balanced, factual and impartial
- Address all the issues raised and acknowledge the resolution sought
- Be clear and easy to understand
- Avoid technical terms and, if they are used, it should explain what they mean.

If you haven't received this letter within the timescale agreed, or as per their complaints procedure, you may want to ring, email or write to check when you can expect to receive it.

### **What if I am not satisfied with the response?**

If you are not satisfied with the response, it will be helpful to think about why you are dissatisfied so you can decide what to do next. Things to think about include:

- Whether the plan you agreed was followed
- Whether some parts of your complaint have not been answered
- Whether you feel that the evidence you gave was not properly considered

- Whether you have achieved the outcome you wanted
- What more, if anything, could have been done to achieve the outcome.

Your options at this stage include:

- Calling the person handling your complaint or writing another letter to explain why you are still dissatisfied
- Requesting a meeting to discuss your outstanding concerns
- Applying to the Parliamentary and Health Service Ombudsman (see next section).

Further investigation into your complaint may be carried out. The NHS organisation should discuss this with you and agree a plan for doing this, including timescales.

If the NHS organisation you are complaining to feels that everything has been done to answer your complaint, they should advise you of that in writing.

Local resolution ends when either you are happy with the response that you have received, or the NHS provider feels that there is nothing further they can do.

## **The Parliamentary and Health Service Ombudsman**

If you are not satisfied with the response of the NHS Provider or the way your complaint has been handled, you have the right to take your complaint to the Parliamentary and Health Service Ombudsman.

The Ombudsmen is independent of the NHS and of Government and provides a free, confidential service to help resolve complaints about the NHS.

If you want to make an application, you will need to complete their form which is available on their website, along with sending in copies of letters and documents about your complaint.

You can find out more about how they can help by contacting them:

- [www.ombudsman.org.uk](http://www.ombudsman.org.uk)
- Tel: 0345 015 4033
- Textphone: 0300 061 4298
- Email: [phto.enquiries@ombudsman.org.uk](mailto:phto.enquiries@ombudsman.org.uk)
- Text 'call back' with your name and mobile number to 07624 813 005 and they will call you back
- Fax: 0300 061 4000
- Write to: Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London, SW1P 4QP.

By law, you should usually submit a complaint to the Ombudsman within one year of when you first became aware of the problem you are complaining about. If it was more than one year ago, the Ombudsman may still be able to help you if there were good reasons for the delay.

When receiving your complaint the Ombudsman will first look at whether it is something that they are able to investigate by law.

The Ombudsman will usually only investigate a complaint after the NHS organisation has had the chance to try and resolve it. The Ombudsman may find that they can get your problem resolved quickly by talking to the organisation you are unhappy about. If the Ombudsman can see that there is more that the organisation could do to resolve your issues locally they will ask them to do more work.

When the Ombudsman carries out an investigation they will look in detail at what's happened. They will consider all of the facts and may need to gather additional information by speaking to you and the organisation(s) concerned. They may need to see your clinical records and other papers relating to your complaint and may take expert advice to ensure that they have a clear view of what happened and what should have happened.

### **What happens next?**

If the Ombudsman decides that the NHS have got things wrong, they will explain that decision and recommend how things can be put right. This could mean asking the organisation to acknowledge their mistakes and provide an apology to you. It could also include asking the organisation to compensate you or give you a better explanation of their actions.

The Ombudsman also looks closely at ensuring that organisations learn from complaints and ensure that any mistakes are not repeated in the future. Therefore the Ombudsman may ask the organisation to take steps to make sure mistakes do not happen again.

Alternatively, the Ombudsman may decide that the organisation has acted correctly or that they have already done enough to put things right. When this happens, the Ombudsman will always explain why they have decided this. Often that means sharing any expert advice they have received and giving more information about what happened.

### **The Ombudsman's decision**

The Ombudsman's decision about your complaint is final. However, if you think that their decision about your complaint is wrong, you can appeal for a review. A review does not mean that the Ombudsman will look at your original complaint again; it involves looking to see that they took account of all the relevant evidence and made a fair decision based on this.

If you still disagree with the Ombudsman's response you can challenge it through the courts using judicial review. This is a legal process beyond the expertise of an advocate. You would need to seek the advice of a solicitor for this.

## Help and Support

Anyone who wishes to complain about an NHS service is entitled to receive advocacy to help them make their complaint.

Every area in England has a local NHS Complaints Advocacy Provider. They can help you to raise a concern about the NHS. These services are free, confidential and independent of the NHS.

Together for Mental Wellbeing provide NHS Complaints Advocacy in Rochdale. You can contact the team at:

### **Advocacy Together Hub Rochdale**

Castlemere Community Centre

Tweedale St,

Rochdale OL11 1HH

Email: [rochdaleadvocacy@together-uk.org](mailto:rochdaleadvocacy@together-uk.org)

Tel/Fax: 01706 645 830

### **How Together for Mental Wellbeing can help you to raise your concerns**

When you first contact us, one of our Advocates will take time to listen to your concerns, what sort of help you require and if you have any particular needs such as large print material or access to someone who can sign. Your advocate will be able to give you information about the different ways you can raise your concerns, in a way which is comfortable for you.

Our advocates:

- Help you to think about what you would like to achieve from your complaint
- Explore the options available to you at every stage of the complaints procedure
- Help you with effectively communicating your concerns to the appropriate people, including writing letters of complaint
- Help you to prepare for meetings and attend with you
- Contact and speak to third parties if you wish us to
- Help you to think about whether you are happy with the responses you receive from the NHS organisation.

Your advocate will not try to persuade you to take a particular course of action and will always respect your decisions.