

# NHS complaints: a step by step guide





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# Introduction

The National Health Service (NHS) works hard to treat everyone properly and promptly. Most people using the health service are happy with their treatment but sometimes things can go wrong.

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

By raising your concerns it can help put things right quickly and the NHS can learn from your experience. This could include an explanation, an apology and information about how the NHS has used your experience to improve services or care.

## Using this guide

This is a step by step guide to help you to make an NHS complaint. It will help you to decide what issues you want to complain about, and explains your options at each stage of the complaints process. This guide aims to help you feel confident about raising your concerns yourself.

The guide:

- Explains the different options for raising your concerns.
- Offers practical tips and things for you to think about.
- Tells you how the Health Complaints Service can help you.

If at any stage you would like help to make a complaint you can contact us;

### **Health Complaints Service**

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**[www.empowermentcharity.org.uk](http://www.empowermentcharity.org.uk)**

# How can the Health Complaints Service help?

The Health Complaints Service is a **free, independent, confidential** service that can help you make a complaint about NHS care or treatment.

Your advocate will take time to listen to your experience and can then talk to you about what support you need to make your complaint. Your advocate will be able to give you information about the different ways that you can make your complaint with the NHS organisation so that you feel comfortable.

Your advocate can also help you think about what you would like to achieve from your complaint. People want different outcomes when they complain such as an apology, an explanation or an improvement to NHS services.

Your advocate can:

- Give you an opportunity to speak confidentially to someone who is independent of the NHS.
- Explore the options available to you at every point in the complaints procedure.
- Help you with writing effective letters to the right people.
- Prepare you for and go to meetings with you.
- Contact and speak to third parties if you wish them to.
- Help you 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, but they will need your consent before starting to work with you.

## Step One:

# Deciding what you are unhappy about



This section will help you to think about the issues that you want to complain about.

Before you start, it is important to be clear about what it is that you are unhappy about. This can be any aspect of the care and services that you have received, but might include:

- Treatment or care.
- The attitude of staff.
- Waiting times.
- Lack of information.
- Failure to diagnose a condition.
- Poor communication between services.

## 'Real-life' examples of issues:

- An emergency ambulance took over an hour to arrive.
- A GP refused to do a home visit.
- A patient frequently had to wait a long time for routine transport home from hospital appointments.
- A patient felt that a nurse had treated him without respect.
- A patient fell out of bed and broke her arm after a nurse removed the railings from the side of the bed.
- A patient had problems getting the support they needed following discharge from hospital because of a lack of communication between the hospital and social care services.



### Useful Tip:

Write down in the box below what you want to complain about as simply and clearly as you can so that you can refer back to it later.

## Step Two:

# Deciding what you want to achieve



This section explains what can and cannot be achieved as a result of making a complaint to help you to decide what outcomes you would like to achieve.

Your issues are more likely to be dealt with smoothly if you can be specific about your complaint and realistic about what you want to happen as a result of your complaint.

### What you can expect when making a complaint:

- To have your complaint dealt with efficiently, and properly investigated.
- To be treated with respect and courtesy.
- To be offered support to help you make your complaint.
- A speedy solution to be offered where possible.
- To know the outcome of any investigation into your complaint.

### What outcomes you might achieve:

- An explanation of what happened.
- An apology, if appropriate.
- Changes to be made, if appropriate, so that the same thing will not happen to anyone else.

**The Health Complaints Service can only support you if your complaint is about NHS funded healthcare.** There are some limits on what can be achieved using the NHS Complaints Procedure. Where the outcome you are looking for would be more likely to be achieved through another route our advocates can explain this and give you information about who best to contact instead.

## What you cannot achieve when making a complaint

### Financial compensation for clinical negligence

- This is usually possible only through legal action. You need to speak to a solicitor who specialises in medical or clinical negligence.
- There are time limits for making a legal claim and it is best to contact a solicitor as soon as possible.

## **Disciplinary action against a staff member**

- Disciplinary action against a member of staff is not an outcome which can be achieved through the complaints process. However, this could happen under a separate procedure as a result of an investigation into your complaint.

## **Private healthcare complaints**

- If you have paid for private treatment or used medical insurance, you cannot use the NHS Complaints Procedure to make a complaint. The private healthcare service will have its own complaints procedure that you can follow.
- If however your treatment was funded by the NHS, but provided by a private organisation, you can still use the NHS Complaints Procedure.

## **Care home and nursing home complaints**

- If the care home or nursing home is paid for by the NHS, you can make a complaint using the NHS Complaints Procedure.
- If the care home or nursing home is paid for privately, you cannot make a complaint using the NHS Complaints Procedure. Most care homes and nursing homes will have their own complaints procedure so you can make a complaint using this.

## Step Three:

# Deciding how you want to raise your concerns



This section explains what your options are for raising your concerns, including alternatives to making a formal complaint, if you are unsure about whether you want to do this.

Once you are clear on what you are unhappy about you need to decide how best to raise your concern. There are different ways that you can do this and it helps to think about what you feel comfortable with. You could:

## Speak to a member of staff directly

Many complaints are caused by misunderstandings or miscommunication and can be put right once you explain the problem. If you feel able to, you can speak to a member of staff who is directly involved in your treatment, or to their manager, to explain what you are unhappy about. This is often the quickest way to put things right and stop them getting worse.

## Speak to the Patient Advice and Liaison Service (PALS)

If you feel uncomfortable talking directly to the NHS staff involved or you have tried and it has not resolved your issues, then a service called PALS (Patient Advice and Liaison Service) may be able to help you. PALS provides information, advice and support to patients, families and their carers and can help you get answers to your questions quickly. **See the PALS information sheet included with this guide to find out more about PALS.**

## Make a complaint using the NHS complaints procedure

The NHS Complaints Procedure may be the best route to follow if:

- You have raised your concerns but they have not been resolved fully.
- What happened raises serious questions about standards of care.
- You wish to raise complex issues which require investigation.
- The issues involved concern more than one organisation.

## Step Four:

# The NHS Complaints Procedure



This section explains how local resolution works and what to expect when you make a complaint using the NHS Complaints Procedure.

## Local Resolution

The aim of local resolution is to try and sort out your problem directly with the NHS organisation. NHS staff are expected to respond to your complaint efficiently, sensitively and promptly.

Local resolution is your opportunity to explain what it is you are unhappy about and what you would like to happen. It gives you and the NHS organisation time to listen and discuss the incident. Local resolution is important because it aims to resolve your concerns and where appropriate use your experiences to improve local services. **It is important to raise everything that you are unhappy about at this stage as new issues cannot be introduced later.**

It may be helpful to keep a record of any telephone calls you make or letters you write or receive about your complaint. **To help you do this, a Log Sheet is included with this guide. You can fill in all the details of who you wrote or spoke to, what was agreed and when it needs to be done by.**

## Timescales for making a complaint

Local resolution begins when you first tell the organisation what you are unhappy about and that you want to complain.

Generally, you should make your complaint as soon as you are able while you and the staff involved remember the events clearly. The Complaint Regulations state that a complaint should be made:

- within twelve months of the incident happening *or*
- within twelve months of you realising that you have something to complain about.

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 then consider whether it is still possible to investigate the complaint effectively and fairly.

# How do I complain?

You can make a complaint:

- In person.
- On the telephone.
- By email.
- In a letter.

NHS organisations tend to prefer having complaints in writing but if you would rather telephone or go in person, the Complaints Manager should make a written record of your complaint. **The issues you raise should be written down and a copy should be given to you.**



### Useful Tip:

If you send a written complaint always keep a copy of your letter to refer to later.

**For complaints about hospital care:**

- If you want to complain about a hospital or an ambulance service, contact the Complaints Manager or the Chief Executive of the NHS Trust.

**You can complain directly to the organisation that your complaint is about**, for example your GP surgery, dental practice or the NHS hospital trust. Your GP surgery or dental practice will be able to tell you who to complain to, this will usually be the Practice Manager. You can also send a copy of your complaint letter to the chief executive of your local Primary Care Trust (PCT). For hospital trusts you can write to the chief executive of the relevant NHS trust. **If you choose this option and you are not satisfied with the response you cannot then raise the issue with the PCT but need to go straight to Ombudsman.**

**You can complain to the Primary Care Trust (PCT).** The PCT is responsible for all care in your local area, and you can ask it to investigate the complaint rather than you complaining directly to the organisation which you are unhappy about. If you are not clear where to send your complaint ask for advice from PALS, the Complaints Department at the hospital or from a Health Complaints Service advocate. Alternatively most hospital Trusts have details of who to contact about complaints on their website. If your complaint is about more than one organisation, you only need to send a letter to one of the organisations. They will work with the other organisation(s) involved and provide one co-ordinated response.

# What will happen next?

**Sometimes it may be possible to resolve your concerns immediately. If this is not the case the person you complained to should:**

- Send you a letter of acknowledgement within three working days.
- Contact you to discuss your complaint and arrange a plan to resolve your concerns with you. This means that they will discuss how best to resolve your concerns and what you hope to achieve from raising them.
- They should also agree with you a timescale for resolving the issues and keep you informed of progress. The suggested 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 NHS organisations are involved in your complaint.
- Carry out an investigation into the issues which you have raised.
- Offer assistance to enable you to understand the Complaints Procedure or information on where to obtain such assistance.

## **Investigating your complaint:**

You may be offered a meeting to discuss your complaint and speak to NHS staff directly about what has happened. You can take a friend, relative or advocate with you to any meetings that you might have.

## **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. A conciliator will become involved only if everyone affected agrees. The conciliation process is confidential.
- Conciliation and Mediation Services differ from Trust to Trust so if this is offered you should ask the Complaints Manager to explain how it operates in your area.



### **Useful Tip:**

If you can prepare a list of questions you want to ask at your meeting and bring this with you. Try and keep these questions as clear as you can. If you have any relevant paperwork, take this with you to refer to.

# After the investigation

Once the investigation is finished and any meetings have been held, the Complaints Manager should send you 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 still unhappy with the answers given.

Depending on the investigation, the letter may contain:

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

The letter should:

- Be balanced, factual and impartial.
- Be Clear and easy to understand.
- Avoid technical terms and, if they are used, it should explain what they mean.

The plan that you agreed at the start of your complaint should include a clear timescale for when to expect this letter. If you haven't received this letter within the agreed timescale, you may want to ring or write to check when they will be replying to your complaint.

If you haven't received a response letter within six months of your original complaint and the organisation has not agreed an extension to this period you are able to refer your complaint to the Ombudsman - *see step five*.

The Parliamentary and Health Service Ombudsman (PHSO) has produced a set of six clear principles for good complaints handling. All NHS organisations are expected to follow these principles when dealing with your complaint. **A copy of the principles is included with this guide or you can find out more by visiting the PHSO website at [www.ombudsman.org.uk](http://www.ombudsman.org.uk)**

# What if I am not happy with the response I receive?

If you are not happy with the reply try to think about why. It may help to think about:

- The content of any letters you have received.
- The outcome of any meetings you have attended.
- Whether you agreed a plan and if it was followed.
- What parts of your complaint have been answered, or not answered.
- Whether there was any evidence you gave that has not been properly considered.
- Whether you have achieved the outcome you wanted.
- What more, if anything, could have been done to achieve the outcome.
- Whether the complaints manager has followed the Ombudsman's good complaints handling principles.

**Try to think about exactly what you are still unhappy with and why so you can decide what to do next.**

## What are my options?

- You could write another letter explaining what you think has not been covered.
- You could call the person handling your complaint and explain why you are still unhappy.
- You could request a meeting to discuss your outstanding concerns.
- You may choose to try a different route to achieve the outcome you want – *review the options on pages 4 and 5.*

**Further investigation into your complaint may be carried out. This should be discussed with you and a further plan agreed.**

When the NHS organisation feels that it has done everything it reasonably can to answer your complaint you should be advised of that in writing.

If you do not feel your complaint has been resolved satisfactorily you have the right to take your complaint to the Ombudsman. As a general rule the Ombudsman will only accept a case after local resolution has been completed.

**This is the end of Local Resolution.**

## Step Five:

# The Parliamentary and Health Service Ombudsman (PHSO)



This section explains the role of the Ombudsman and what to expect when you refer your complaint.

If your complaint cannot be resolved during Local Resolution, you have the right to appeal to the Parliamentary and Health Service Ombudsman and ask them to look at your case. The Ombudsman is independent of the NHS and of the Government.

**The Ombudsman will not normally consider your case unless you have already tried to resolve the problem using Local Resolution. The Ombudsman's service will look at every complaint but does not (and is not required to) investigate all the complaints that are referred.**

You should submit a complaint no later than one year from the date of the event you are complaining about (or from when you first became aware of the matter). In exceptional circumstances the Ombudsman may extend this time limit. An example of this may be if the Local Resolution process took longer than a year.

A member of the Ombudsman's staff will initially assess your case and decide whether they agree to look at your complaint. They may need to see medical records and other papers involved in your complaint.

The Ombudsman can refer you back to Local Resolution with the NHS organisation concerned if they think you have applied to the Ombudsman too early, or if they feel that the NHS organisation involved has not done all it can to resolve your issues locally.

The Ombudsman **will not** usually investigate a complaint where:

- They decide that the NHS organisation has done everything it reasonably could to put things right.
- You do not agree with a decision made by your NHS provider but cannot offer any evidence as to why their decision is wrong or unsatisfactory.

**If the Ombudsman thinks that your complaint may be valid the Ombudsman's office will make more enquiries.**

## If the Ombudsman decides to act on your complaint

The Ombudsman may ask the NHS organisation to provide a suitable remedy to resolve your complaint more quickly if they think that is the best outcome and they will let you know if they decide to do this.

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. The Ombudsman will write to you once the investigation is completed and inform you of the outcome. The investigation will be very thorough and may take up to twelve months for complex cases.

## The Ombudsman's decision

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 of what actions need to be taken to put things right. The case manager will set a timescale for the organisation to respond to these recommendations. The organisation should provide you with a full response to the recommendations. If you are not happy with this response you can refer your complaint to the Ombudsman again, outlining exactly why you are unhappy with the organisation's response.

**If the Ombudsman investigates your complaint the decision they reach is final and the NHS complaints procedure ends here.**

If you have concerns about the process or quality of the Ombudsman's investigation, or if you do not agree with their decision not to investigate you can ask for a final review. A final review will not take place if you are simply dissatisfied with the outcome of the investigation.

**A Health Complaints Service advocate can support you throughout this process.**

# Useful Contacts

## **Action against Medical Accidents**

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

T: 0845 123 23 52 (Mon-Fri 10am-3pm)

## **Care Quality Commission**

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

T: 03000 616 161

E: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

## **Carers Direct**

[www.nhs.uk/carersdirect](http://www.nhs.uk/carersdirect) T:

0300 123 1053

## **General Dental Council**

[www.gdc-uk.org](http://www.gdc-uk.org)

T: 020 7167 6000

## **General Medical Council**

[www.gmc-uk.org](http://www.gmc-uk.org)

## **General Optical Council**

[www.optical.org](http://www.optical.org)

T: 020 7580 3898

E: [goc@optical.org](mailto:goc@optical.org)

## **Healthwatch Blackpool**

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

E: [hello@healthwatchblackpool.co.uk](mailto:hello@healthwatchblackpool.co.uk)

## **Information Commissioner's Office**

[www.ico.gov.uk](http://www.ico.gov.uk)

T: 0303 123 1113 (Mon-Fri 9am-5pm)

## **Local Involvement Networks**

[www.nhs.uk/NHSEngland/links](http://www.nhs.uk/NHSEngland/links)

## **Optical Consumer Complaints Service**

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

T: 0844 800 5071

E: [enquiries@opticalcomplaints.co.uk](mailto:enquiries@opticalcomplaints.co.uk)

## **The Law Society**

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

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

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

T: 0345 015 4033

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