



# Raising Concerns and Complaints about the NHS - a self-help guide





---

## Raising Concerns and Complaints about the NHS – a self-help guide

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 is about a service funded by the NHS.

If you are dissatisfied with an NHS service it may help to initially consider the following;

### What are you unhappy about?

Consider which aspects of your care you are unhappy with; this may include:

- Attitude of staff
- Waiting times
- Treatment or care
- Poor communication
- Environmental factors such as food or cleanliness

### What do you want to achieve?

Consider the outcome you wish to achieve by raising your concerns; for example you may want an explanation of what happened, an apology or changes so that the same thing will not happen to anyone else.

It is important to be as specific and realistic as you can be and to be aware of the limits on what can be achieved via the NHS complaints procedure. For example the NHS complaints procedure cannot be used to gain financial compensation for clinical negligence as this is usually only possible through legal action.

---

---

## Who do I complain to?

Once you are clear on what you are unhappy about and the outcome you are seeking you need to decide how best to raise your concerns;

### 1. Speak to a member of staff directly

If you feel able to speak to a member of staff directly, or their manager, about what you are unhappy about, this is often the quickest way to put things right and to stop them getting worse.

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

If you feel uncomfortable speaking to a member of staff directly or you have done this and it has not resolved your concerns, then PALS may be able to help you. PALS services are available within all hospitals.

PALS provide information, advice and support to patients and their families and can help get answers to your questions quickly. You can find your local PALS service on the NHS Choices website: [www.nhs.uk](http://www.nhs.uk)

### 3. Make a formal complaint

The NHS complaint procedure may be the most appropriate route to follow if you have raised your concerns but they have not been resolved, what happened raises serious questions about standards of care, you wish to raise complex issues which require investigation or your concerns relate to more than one organisation.

---

---

# The NHS Complaints Procedure

## Stage 1 – Making a Complaint

### When should I complain?

As soon as possible. Complaints should normally be made within 12 months of the date of the event that you're complaining about, or as soon as the matter first came to your attention.

The time limit can sometimes be extended (as long as it's still possible to investigate the complaint). An extension might be possible where it would have been difficult for you to complain earlier, for example, when you were grieving or experiencing trauma.

### Who do I complain to?

If you want to complain about a hospital or ambulance service you should contact the complaints manager or chief executive of the NHS Trust.

For complaints about primary care and independent providers such as your GP, dentist or optician you have 2 options;

1. You can complain directly to the NHS organisation by contacting the person in charge of complaints; in most GP and dental practices this will be the practice manager.
  2. If you don't feel comfortable raising your complaint directly you can complain either to the NHS commissioning board or your local Clinical Commissioning Group (CCG). All CCGs will have a Complaints Manager.
-

---

## How do I complain?

You can complain;

- In person
- By telephone
- By email
- In a letter

Organisations tend to prefer complaints in writing but if you would rather do this by telephone or in person the complaints manager should make a written record and give you a copy of this.

Our website has a factsheet and template letter available to help you make your complaint:

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

## What happens next?

You should receive verbal or written acknowledgement of the receipt of your complaint within 3 working days.

At the time your complaint is acknowledged the responsible body must discuss with you a plan to resolve your concerns and give you a timescale for completing the investigation. They should keep you informed of the progress of the investigation.

You may be offered a meeting to discuss your concerns directly; you can take a friend, relative and/or advocate with you to any meetings you may have.

It may be helpful to prepare a list of questions you want to ask at your meeting and bring this with you. It is also helpful to take any relevant paperwork with you.

Once the investigation is completed and any meetings have taken place you should receive a response in writing.

---

---

The response should contain;

- A summary of your complaint
- What the investigation found and any actions to be taken as a result
- What you can do if you are unhappy with the response

You should receive this response within 6 months of the complaint being received. If this timescale is unlikely to be achieved the organisation should discuss with you the reasons why and agree an amended timescale.

## What if I am unhappy with the response?

You could telephone or write to the person handling the complaint to explain why you are still unhappy or you could request another meeting where you can explain this directly to the person.

The organisation may decide to carry out further investigation and agree timescales with you.

The organisation may feel that they have done everything they can to answer your complaint and if they do they should advise you of this in writing.

This is the end of Stage 1.

---

---

## Stage 2 – The Parliamentary and Health Service Ombudsman (PHSO)

If you are not satisfied with the way your complaint has been dealt with by the NHS you have the right to take it to the Parliamentary and Health Service Ombudsman. The PHSO is independent of the NHS and government and their services are free and confidential.

### 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. They are not required to investigate all complaints they receive.

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)

Once your complaint has been considered you will be notified of the outcome.

There are 3 main outcomes;

1. The Ombudsman may decide not to investigate the case and take no further action.
  2. The Ombudsman may decide not to investigate the case but may ask the NHS provider to take action
-



---

which they think would resolve your complaint quicker; this is called an 'intervention'.

3. The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report. This investigation will be very thorough and can take some time. The Ombudsman aims to complete 90% of investigations within 12 months.

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.

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.

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.

## Who can complain?

Any NHS patient can complain about any NHS service they have received and are unhappy about.

You can also complain on behalf of a friend or relative as long as they agree; you should get their permission in writing.

---

---

If your friend or relative is very ill, or does not have the capacity to give permission because of an impairment or disability, you may complain on their behalf without their permission, although the health provider will wish to confirm their lack of capacity before accepting the complaint.

You can complain on behalf of a child (under 18) if the child is unable to make the complaint themselves. NHS organisations will want to make sure the child is unable to complain themselves before accepting the complaint.

You may raise a complaint, or take over a complaint on behalf of a friend or relative who has died even if you do not have their written permission.

## Useful Tips

- Write down what you want to complain about as simply and clearly as you can – focus on the main issues you want investigated
  - Keep copies of any letters/emails
  - Prepare for meetings by noting down any questions you wish to ask and take any relevant paperwork with you
  - Keep notes of telephone conversations and meetings
  - You can request that a meeting is recorded and that you are given a copy of the recording
-

---

## Independent Health Complaints Advocacy

Derbyshire Mind provides an advocacy service to support all Derbyshire residents who wish to make a complaint about a service provided or funded by the NHS.

An Advocate can:

- Give you information and explain the NHS complaints procedure to you
  - Give you an opportunity to speak confidentially to someone independent of the NHS
  - Help you explore the options available to you at any stage of the NHS complaints procedure
  - Help you to write effective letters
  - Prepare you for meetings and attend with you
  - Contact and speak to 3rd parties, with your permission
  - Help you think about whether you are satisfied with the responses you receive and any further action you wish to take
-

---

## For further information:

### Visit our website:

[www.derbyshiremind.org.uk/independent-health-complaints-advocacy](http://www.derbyshiremind.org.uk/independent-health-complaints-advocacy)

### Email us:

[advocacy@derbyshiremind.org.uk](mailto:advocacy@derbyshiremind.org.uk)

### Call us:

01332 623732



@DerbyshireMind



Find us on Facebook



April 2015 - March 2018