

## **NHS Complaints**

If you are unhappy with the treatment or service you have received from the NHS you are entitled to make a complaint, have it considered, and receive a response from the NHS Organisation or Primary Care Practitioner concerned. The NHS complaints procedure includes all NHS hospitals, doctors, dentists and all other NHS services. You have a right to have your concerns investigated and receive a full reply.

A Patient Advice and Liaison Services has been established in every NHS Trust and Primary Care Trust. Patient Advice and Liaison Services are not part of the complaints procedure itself but they might be able to resolve your concerns informally, or can tell you more about the complaints procedure and Independent Complaint Advocacy Services. You have the right to make a complaint about any aspect of NHS treatment using the NHS Complaints Procedure. To use the procedure you must usually be a patient or a former patient of the practitioner or institution concerned, although it is possible to complain on behalf of someone else. If you want to complain on behalf of another person, the hospital or practice must agree that you are a suitable representative.

### **Why Complain?**

If you are unhappy and let someone know, they can find out what happened and try to make changes which will improve the NHS and help prevent further problems happening to other patients.

### **Time Limit for Making a Complaint**

You should make your complaint as soon as possible after the matter you are complaining about occurred. The time limit for complaints is usually 6 months from the date this occurred, or 6 months from the date you first became aware of it.

There is discretion to waive the time limit. However it must be still possible to investigate the complaint.

### **Financial Compensation**

It is not possible to get any financial compensation through the NHS Complaints Procedure. If you are seeking financial compensation you will need to take a separate legal action. Please contact us in relation to this.

## The NHS Complaints Procedure

### First Stage - Local Resolution

If you want to make a complaint about any aspect of NHS treatment you have received or been refused, go to the practice, hospital or trust concerned and ask for a copy of the complaints procedure. This is the same for GPs, opticians, dentists, hospitals and any other care given by the NHS. The first stage is to make a complaint to the practitioner. All NHS practices have a procedure and someone who has responsibility for complaints. In most cases the matter can be resolved at this stage.

If your complaint is about Primary Care Services, the complaints manager can arrange for an independent conciliator or mediator to be brought in to help resolve a complaint. A conciliator or mediator might also be available to help resolve complaints about other types of NHS services.

You can complain via letter or in person. Once you have submitted your complaint you should receive an acknowledgment within 2 working days and then a written reply within 10 working days. Once the investigation is finished, you will be sent a letter containing a summary of your complaint and what the investigation found and details of the next stage of the complaints procedure. You should receive this letter within 6 weeks.

If you remain unhappy with the reply from the complaints manager, then you could take your complaint to the Healthcare Commission.

If you make a complaint to the NHS, you should expect an explanation as to what happened, your concern to be taken seriously, modifications to be made to ensure the same thing will not happen again and if appropriate, an apology.

The NHS complaints procedure is not used for disciplinary action against any member of staff, a complaint about private healthcare, NHS Foundation Trust complaint, or care/nursing home complaint, unless treatment was funded by the NHS. NHS Foundation Trusts will have their own systems for the internal handling of complaints which may differ from the local resolution process. If you have a complaint about an NHS Foundation Trust you should contact it for advice and how to make your complaint.

## **Second Stage - Independent Review**

If your complaint is not resolved through local resolution you should refer it on for an independent review.

In England independent reviews are carried out by the Healthcare Commission.

At an independent review, the person carrying out the review may:

- Refer the matter back to the practice, hospital or trust, for further action and a local resolution if it feels that a resolution could still be achieved;
- Set up an independent review panel which will investigate the complaint;
- Take no further action if it is felt that everything which could be done has been done.

If a person carrying out the review decides to take no further action you will be advised of your right to refer the matter to the Independent Health Service Ombudsman.

If the Healthcare Commission decides to investigate, then a case manager will work with you and liaise with the organisation you are complaining about. The investigation could take up to 6 months. When it is finished, then the Healthcare Commission will write to all parties involved to inform them of the outcome.

## **Stage Three - The Health Service Ombudsman**

If you are unhappy with the decision of the person carrying out the independent review or the outcome of the review panel, you do not have a right of appeal. However, you can refer the matter to the Health Service Ombudsman. The Ombudsman is independent of the NHS and the Government. Complaints to the ombudsman should be submitted no later than a year after the date of the event you are complaining about. A member of the ombudsman staff will initially assess your case and will review your medical records and all documentation involved.

The Ombudsman will not usually investigate a complaint where:

- The NHS provider or practitioner has done all that they reasonably could to put things right;
- You just do not agree with the NHS provider and there is no evidence as to why the decision is wrong.