



THE NHS COMPLAINTS PROCEDURE

Please Note: The NHS Complaints Procedure is different in Scotland. A leaflet on the Scottish procedure is available on request.

If you are not happy with the medical treatment that you or a family member has received under the National Health Service it is your right to have your concerns investigated and to be given a full and prompt response by the treating body. This is known as the NHS Complaints Procedure.

What are the potential stages of the NHS Complaints Procedure?

- Stage 1 Local Resolution
- Stage 2 The Independent Review
- Stage 3 The Ombudsman (or 'Health Service Commissioner')

Helpful Hints

- Keep a record of all telephone calls including dates and contacts.
- Keep copies of all correspondence sent and received.
- Keep copies of meetings attended and reports on the content and outcome of the meeting.

Which services are covered by the NHS Complaints Procedures?

- All NHS Trusts and NHS Bodies.
- Family Health Services provided for the NHS by GPs, Dentists, Opticians or Pharmacists.
- Primary Care Trusts.
- Private Health Care establishments if the treatment has been paid for by the NHS.

What do I want to achieve?

It is important to think about what you want to achieve before putting in your complaint and what the NHS can do to satisfy this. You may not need to make a formal complaint. If you are more concerned about having something put right or registering a concern informally, you are normally better off raising this directly with staff concerned or their managers. If you prefer you can ask to speak to a Patient Advice and Liaison Service (PALS) Officer. They will try to resolve your problem and provide feedback to the NHS Body.

Under the NHS Complaints Procedure at present the following can be obtained:

- An explanation for what happened.

- An apology or other statement of regret.
- Steps to review procedures to avoid such incidents in future.

In general the NHS cannot:

- Offer financial compensation (although in some circumstances NHS bodies will agree to an ex-gratia payment for relatively small sums)
- Address issues of staff discipline for instance sacking staff or striking off a practitioner (although disciplinary action may result as a consequence of information obtained through complaints investigations).
- Address private treatment unless financed by the NHS.

Is there a time limit for making a complaint?

You should normally complain as soon as possible so that your and other people's recollection of events is fresh. Usually complaints should be made within six months of the events complained of or within six months of finding out there was something to complain about (as long as this is not more than one year after the incident.) NHS organisations have discretion to consider complaints outside these time limits and can consider aspects such as the duration of your illness.

Where do I start?

Formal Complaint Stage 1 : Local Resolution

If you would like your complaint to be dealt with more formally (for example if you would like to receive a written response to your complaint) you should use the NHS Complaints Procedure. The first stage of this is called Local Resolution, where the NHS body or family health service practice is required to investigate and respond to your complaint.

Ideally, your complaint should be made in writing and addressed to the Chief Executive or, in the case of family health services, the Complaints Manager. In summary, you should include:

- Who or what you are complaining about.
- Where and when the events happened.
- What you have done already about the complaint.
- What result you want- this can include any issues about clinical matters, which the hospital may be able to offer you help with. For instance, if your fertility has been affected by treatment can the hospital guarantee the provision of fertility treatment or pay for the treatment to be carried out?

Helpful Hints

- If you make an informal complaint, take the name of the staff member with whom you have lodged the complaint. The date when you complained and what you were told they would be doing to address your complaint.
- If you commence legal action or say that this is your definite intention the NHS complaints procedure can be brought to a close. However you are perfectly entitled to take advice from AvMA or a solicitor

without affecting your rights

What happens next?

Your complaint should be formally acknowledged, and an investigation should be commenced. At the end of the investigation you should receive a formal written response from the Chief Executive. The investigation should, ideally, be completed within 25 working days of receiving your letter. Should it take longer the Trust/GP surgery are obliged to let you know when it will be completed.

Sometimes as part of the investigation you may be invited to meetings. Meetings can be very helpful particularly where there are complex medical issues. However you should be well briefed and prepared for such meetings.

After any meeting if the NHS organisation considers that the matter has been adequately addressed, then they should send you a full written response concluding the Local Resolution stage of the complaints procedure. This should also tell you what to do next if you are not satisfied.

At the conclusion of any meeting it is a good idea to remind the Complaints Manager that you wish to have a full written response.

It is open to you to talk over the meeting with the Complaints Manager beforehand and you may wish to consider:-

- What form will the meeting take?
- Who will attend- sometimes complainants do not want to see staff members who have been involved in the incident in question. In other cases you may be disappointed to find that the staff involved, are not available.
- Ask where the meeting will be held and how long it will take. This is important if you are still recovering from an illness as you may not feel able to attend the whole meeting and can tell the Complaints Manager in advance if you have any difficulties with this.
- It is always a good idea to make a succinct list of your questions for any meeting and to give a copy of this to the complaints manager before the meeting – keep a copy to take with you.
- Think about taking a friend, relative or advocate to the meeting for support and to take notes.
- Do not agree with anything at the meeting that you have reservations about.

What happens if I am not happy with the response to my complaint?

If you are not satisfied with the response to your complaint, you have the right to request an **Independent Review** of your complaint (see separate fact sheet). However, an Independent Review is unlikely to be granted if it is considered that more should be done to resolve the complaint at Local Resolution stage.

Obviously the NHS organisation cannot solve all medical problems that you have or turn the clock back to how things were before the events complained of, but they should try and answer all your concerns and try to provide as comprehensive an explanation as possible. If you think that they have not done this, you can ask them to take further steps such as asking for further investigation or examination of the medical records. One option is to ask the hospital to consider obtaining or funding an independent report from a medical expert which can be very helpful in resolving any dispute about the medical issues relating to your complaint.

You may like to consider:-

- Does the response explain things in a way that you understand? If the reply contains too much medical jargon you can ask for this to be put into layman's language.
- Does it tell you how the investigation was carried out, for instance were the staff involved in the care complained of interviewed?
- Are there any other matters you are still concerned about?

Often the formal response to your complaint will offer a further meeting to clarify any outstanding issues. This can be useful, and may help clarify issues without the formality and delay involved in an Independent Review. However you are not obliged to take this option. It is your right to request an Independent Review at this stage. You and the body also have the option of continuing to try to resolve the complaint locally in writing. If you agree to a meeting, the same principles apply as with earlier meetings during Local Resolution – you will need to clarify what you remain dissatisfied with and why (usually in writing). Following any such meeting, or further correspondence under local resolution, you should be provided with a further formal written response dealing with these issues, **and you still have the right to request an Independent Review.**

For more information on Independent Reviews see our separate leaflet.