

wake smith & tofields

How to Make a Complaint in Relation to Treatment (Incorporating changes from 1 April 2009)

The NHS Complaints Procedure is designed to give patients an explanation when they feel something has gone wrong with their medical treatment. It may also lead to an apology and occasionally to small amounts of compensation.

The complaints system is designed for patients to pursue the complaints themselves and they may be offered help by a Patient's Representative at the hospital. It covers complaints made by a person about any matter connected with the provision of NHS services by NHS organisations or Primary Care Practitioners (GP, Dentist, Opticians and Pharmacist). The procedure also covers services provided overseas and by the private sector where the NHS has paid for them.

If you are unhappy with the treatment 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 described below applies to the NHS in England except for NHS Foundation Trusts. In relation NHS Foundation Trust it is necessary to contact the Trust for advice on how to make your complaint.

STAGE 1: Local Resolution

The first stage of the NHS complaints procedure is "local resolution". The aim is to resolve claims quickly and as close to the source of the complaint as possible.

What is the time limit for making a complaint?

You should normally complain within 6 months of the event(s) concerned or within 6 months of becoming aware that you have something to complain about. Primary Care Practitioners and Complaints Managers in the NHS organisations do have the discretion to waive this time limit if there are good reasons why you could not complain earlier.

To whom should I complain initially?

You can raise your concerns immediately by speaking to a member of staff (e.g. a Doctor, Nurse, Dentist, GP or Practice Manager). They may be able to resolve your concerns without the need to make a more formal complaint.

However, if you do want to continue with your complaint you can do this orally or by writing (including email).

The person to whom the complaint should be directed is different depending on the provider of the treatment:

**Primary Care Practitioners
(GP, Dentist, Opticians and Pharmacists)** Senior Partner or Practice Manager

NHS Hospital Chief Executive

**Nursing or Care Home
or Independent Sector Institution** Home's Manager or Matron

How should I make a complaint?

In order to make your complaint more effective and to ensure that all relevant information is included we have listed the points which you should consider:

- Your complaint does not have to be in writing but it is better if it is.
- You should keep a copy of any letter you write
- Give the names and positions of the people involved if possible
- Set out exactly what happened and why you are unhappy with the treatment received
- Give times/dates and places wherever possible. If you are not sure of dates / times, say so
- Try to keep your letter brief at the same time as including the important facts
- When writing the letter also consider whether the information is relevant to the issues in your case
- Be as specific as possible about who you are complaining about and the treatment you received
- Tell the person to whom you are complaining what you want. For example, an explanation of what happened, an apology or an assurance that it will not happen again
- We would advise you not to say that you have consulted a Solicitor about this complaint. The hospital will not deal with your complaint if you intend taking legal action however, if necessary we can assist you in formulating your complaint to ensure that the maximum benefit is achieved from the process.
- Contact PALS or ICAS if you need further help in making your complaint (see below)

When will I receive a response?

You should receive a response from a Primary Care Practitioner/Home Manager or Matron within 10 working days or from the Chief Executive of the NHS Organisation concerned within 20 working days.

What if I am asked to go into the hospital?

It is for you to decide whether to agree to such a request. Sometimes a face to face meeting can help produce a quicker answer to your complaint. There are however some practical steps in relation to such meetings:

- Keep your own notes of what is discussed
- Ask for the names and qualifications of anyone present at the meeting
- Ask for an independent person to be with you
- Prepare for the meeting by writing down all your points of complaint and ask them to deal with each one at the meeting.

Allow the hospital every opportunity to explain their thinking.

What if I am not happy with the response?

If you are not satisfied with the response from the local resolution procedure and you still wish to pursue your complaint, then you have the right to ask for an independent review.

STAGE 2: The Health Service Ombudsman

If you remain unhappy after local resolution and independent review then you can complain to the Health Service Ombudsman. You can contact the Ombudsman at:

Millbank Tower

Millbank

London

SW1P 4QP

Tel: 0845 0154033 / Email: OHSC.enquiries@ombudsman.gsi.gov.uk

Website: www.ombudsman.org.uk

Where can I get further help?

The PALS (Patient and Liaison Service) or Complaints Manager at the NHS organisation you are complaining about can provide advice, including advice on the Local Independent Complaints Advocacy Services.

The Independent Complaints Advocacy Service (ICAS) provides advice and support to people who want to complain about the NHS. Details can be found at www.dh.gov.uk