



your voice your rights your choice

Raising concerns about NHS services

Your guide to
NHS complaints advocacy

How do you
raise concerns?

What should
you expect from
the process?

How can The
Advocacy
Project help?



Please contact us if you would like
information in easy read or another language.



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Welcome

Dear all

The NHS aims to make sure everyone using their services is satisfied with their treatment, but sometimes things don't go as expected. If you're unhappy with the service you or others have received from a hospital, doctor, dentist, or local surgery, you have the right to raise these concerns. By doing so, it gives the NHS the chance to learn from what has happened and put things right quickly. The response to your concerns may include an explanation, an apology, and information about how the NHS service provider has used this experience to improve their services and care.

The Advocacy Project offers NHS complaints advocacy (also known as Independent Health Complaints Advocacy) in the London boroughs of Hammersmith & Fulham and Hackney. In Hammersmith & Fulham, we do this in partnership with Healthwatch Central West London.

This pack gives you information to help you feel confident raising your concerns about the NHS. It tells you about the process, how we can support you with the complaint, and how to contact us.

We look forward to working with you to raise your issues.

Judith Davey, CEO, The Advocacy Project



Judith Davey, CEO, The Advocacy Project

"Sometimes making a complaint is a real challenge.

Where do I start? Who can help?

The Advocacy Project is there for support so your voice is heard and action is taken."

**Jon Williams, Executive Director,
Hackney Healthwatch**

Our advocacy service

You can use this pack to help you prepare a complaint about NHS services wherever you live. If you live in the London boroughs of Hammersmith and Fulham or Hackney, The Advocacy Project can put you in touch with an advocate who can guide you through the process.

The NHS complaints advocacy service is:

- available to Hammersmith & Fulham and Hackney residents, free of charge
- independent from the NHS
- confidential: we won't share anything you tell us unless you ask us to, and unless you disclose anything that might cause harm to you or others

Our advocates will make sure you've got all the information about the different options throughout each step of the process. We'll also help you decide on the desired outcome of your complaint, such as an apology, an explanation, or an improvement to the NHS service.

Your advocate will:

- be available to speak with as someone independent from the NHS
- show you the options available throughout the process
- prepare you for meetings if needed
- help you with writing effective letters if you would like them to
- contact and speak with third parties if needed
- help you decide whether you're satisfied with the response received from the NHS provider

Your advocate can't:

- give legal advice or help with legal action
- investigate complaints
- give medical advice
- help with complaints that aren't covered by the NHS Complaints Regulations

Your advocate won't force you to take any particular course of action and won't make any decisions for you. Your advocate will always respect your decisions.

If you need help from us at any point throughout the process you can contact us by phone, email, or through our website. We'll always take the time to listen to your experience, and give you support when needed.

Hammersmith & Fulham

020 8106 1500

H-F@advocacyproject.org.uk

Hackney

020 3960 7920

referrals @advocacyproject.org.uk

www.advocacyproject.org.uk

About the process

Who can raise concerns?

You can raise concerns about your own care, treatment, or service that you're unhappy with. Sometimes you may also want to complain on behalf of:

- › someone who has died
- › a child
- › someone who is unable to complain themselves because of
 - physical incapacity
 - lack of capacity within the meaning of the Mental Capacity Act 2005
 - someone asking you to do so, provided they have given their consent

When looking to raise concerns on behalf of someone else, the organisation you're complaining about must be satisfied there are reasonable grounds for you to do so instead of the person involved. They must also be satisfied the complaint is in the person's best interest. If they choose not to investigate the concerns, they will let you know the reasons why in writing.

Are you concerned about something happening now?

The quickest way to resolve an issue with your current care, treatment, or service is to raise your concerns with the staff directly involved. This will give them a chance to put things right immediately and stop them getting worse.

If you are not comfortable doing this, or are unable to do this, then you may also speak with the Patient Advice and Liaison Service (PALS). PALS is a service run by NHS staff to provide information, advice and support to patients when needed. They will be able to answer your questions quickly and advise you on the best plan of action. For more information please contact your local hospital trust.

If your issue has not been resolved, you can use our NHS complaints advocacy service to help you raise your concerns.

You can raise concerns about your own care

You can raise concerns on behalf of a child

You can raise concerns for someone who is deceased

You can raise concerns for someone who can't themselves

What should you expect from the complaints process?

We want you to feel confident raising your concerns. We will always listen to your experiences and guide you through the process. Your advocate will help you every step of the way, giving you practical advice from before you raise your concerns, through to the final outcome.

Throughout the process, you should expect that the NHS will:

- investigate your concerns properly and deal with them efficiently
- inform you of the outcome of any investigation surrounding your concerns.

If you're not happy with the outcome of your complaint, you have the right to raise your concerns to the Parliamentary and Health Service Ombudsman.

For more information on your rights, view the NHS constitution at:
www.gov.uk/government/publications/the-nhs-constitution-for-england

What you can raise concerns about

What is covered by the NHS complaints process?

You can raise your concerns about any service provided or funded by the NHS. You can also use this process if your concerns cover both health and social care, including NHS funded nursing homes or a home-based care package funded by the NHS.

This includes:

GPs

hospitals

pharmacists

opticians

dentists

ambulances

NHS funded
nursing homes

home-based
care packages

What isn't covered by the NHS complaints process?

There are some limits to what can be achieved through the NHS complaints process. You can't use this service to raise concerns about:

- any service that is not NHS funded, like private healthcare
- getting staff disciplined
- legal issues or claims for compensation
- care home or nursing home complaints, unless they are funded by the NHS
- public health services run by the local authority.

If your concerns relate to one of the above areas, there are other routes you can use. Your advocate can explain these processes and give you more information about who is best to contact.

Private healthcare complaints

If you have paid for private treatment or used medical insurance for your care, then you cannot use the NHS complaints process to raise your concerns. Ask the private healthcare service you used for details of their complaints process.

Concerns about a public health service

If your concerns are about a public health service run by the local authority such as health visitors, then your concerns should be made to the local authority. The NHS complaints service cannot help with these concerns.

Concerns about a care home or nursing home

If the care home or nursing home is paid for privately then you must raise your concerns through them directly. It is best to speak with the care home directly to find out more information. You cannot use the NHS complaints process to make a complaint about a privately funded care home or nursing home.

Claims for financial compensation

Financial compensation for clinical negligence is only possible through legal action. This process involves speaking with a solicitor who specialises in medical and clinical negligence. To make a legal claim it is recommended to contact a solicitor within three years of the incident.

Disciplinary action against an NHS staff member

Disciplinary action against an NHS staff member is not an outcome that can come from the NHS complaints process. However, it could happen as separate procedure as a result of the investigation.

Step 1: Before you start

Before starting the complaints process, you must first be clear about what your concerns are and what you would like to achieve.

What are your concerns?

These concerns can be about any aspect of the care, treatment and services the NHS gave you. They might include:

treatment

care

attitude of staff

poor
communication

waiting times

lack of
information

failure to
diagnose a
condition

This process can also be used when:

- › the situation raises serious questions about the standard of care
- › the issue involved concerns more than one organisation
- › you feel your concerns have not fully been resolved.

What would you like to achieve?

Before you raise your concerns, you must decide what outcomes you would like. It is important your desired outcomes are specific and realistic, as this will mean your issues are more likely to be dealt with efficiently.

Common outcomes from the NHS include:

- › an explanation about what happened
- › an apology from the NHS service provider
- › a noticeable change to the NHS service so the problem will not happen again
- › better communication between NHS staff and patients

Remember there are limits to what can be achieved. Your outcomes can't include financial compensation and disciplinary action against NHS staff.

Your advocate can talk you through what outcomes you can expect and support you through the whole process.

Step 2: How to raise your concerns

NHS organisations prefer to have your complaints in writing. However, if you would prefer to raise your concerns another way, you can do this:



in person



by email



by phone



in a letter

If you choose to raise your concerns in person or over the phone, the person handling your complaint should make a written record. This record will include details of your concerns, and a copy should be given to you.

Your advocate can help you write any letters needed to raise your concerns.

Who should you send your complaint to?

You can choose who you would like to send your complaint to within the NHS service provider. Your options will vary depending on the service. You can also speak directly with the NHS service provider to ask them about their complaints process.

Concerns about an NHS trust

If you want to complain about an NHS trust, such as a hospital, a mental health service provider, a community services provider or ambulance service, then you should send your concerns to the chief executive of the appropriate NHS trust.

Another option is to address your complaint to the Clinical Commissioning Group (CCG) for the NHS service you're complaining about. Be aware that you can't ask both the NHS trust and the CCG to investigate your concerns.

Concerns about a GP, dentist, optician or pharmacist

If you would like to raise concerns about a GP, dentist, optician or pharmacist, you should contact the service directly or speak to the manager of the service.

You can also choose to raise your concerns with NHS England. They will contact the NHS service provider and investigate your concerns. You can't ask both the NHS service provider and NHS England to investigate your concerns.



Post a letter detailing your concerns to NHS England PO Box 16738, Redditch B97 9PT



Send an email to england.contactus@nhs.net with the subject line 'For the attention of the complaints manager'



Phone NHS England on 0300 311 2233 (Monday to Friday 8am to 6pm, excluding bank holidays)

If you choose to raise your concerns with NHS England:

- › you must provide as much information as possible when raising your concerns
- › you must include your name and a clear explanation of your concerns.

Concerns about NHS 111 and out-of-hours services

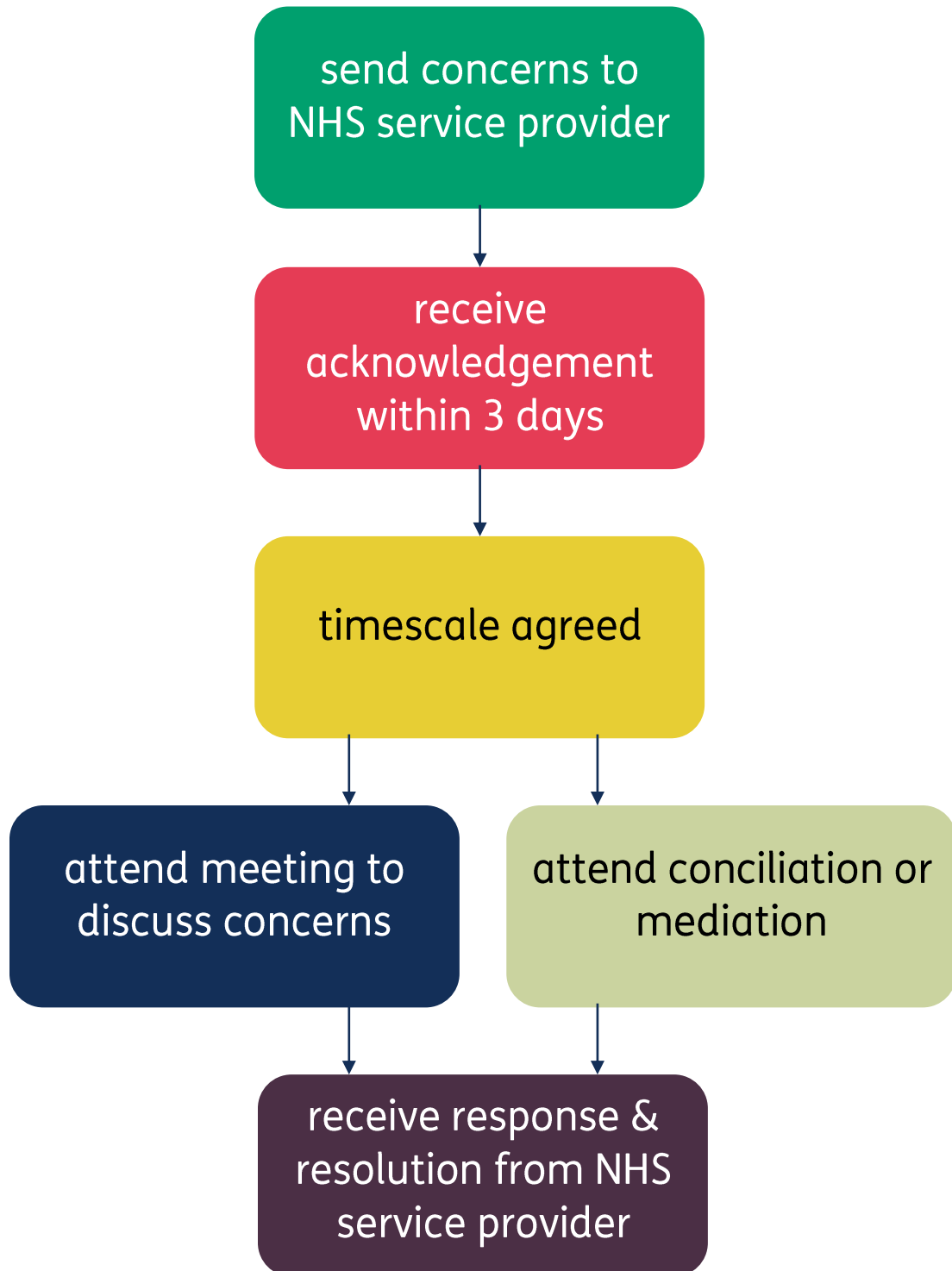
If your concerns are about NHS 111 and out-of-hours services, you can send your concerns to the local Clinical Commissioning Group (CCG).

Details of your local CCG can be found from your local authority, local Healthwatch, or by going to www.nhs.uk/servicedirectories/pages/CCGlisting.aspx

If you are unsure who you should raise your concerns with, you can contact the NHS complaints advocacy service to discuss your options.

Step 3: Local resolution

In most cases, the NHS complaints service will focus on resolving your concerns locally. This will usually involve the NHS service provider responding to you directly to solve the problem. They should respond to you promptly and sensitively.



Why use local resolution?

Local resolution allows the NHS service provider in question to speak with you directly and fix the problem immediately. This gives you the opportunity to speak with the NHS service provider to explain your concerns and explain what outcomes you would like. It's important as it allows the service provider to resolve your concerns quickly and use your experiences to improve local services.

Make sure you raise all your concerns at this point, as any new issues can't later be included as part of the same complaint.

How long will it take?

Some concerns can be resolved immediately, and you will receive a response quickly from the NHS provider. Others may take some time. If this is the case, the NHS provider will acknowledge your concerns, either verbally or in writing, within three working days.

In most cases, the NHS will:

- contact you to talk about your concerns and what they can do to resolve them. They should agree a timescale with you for resolving the issues, making sure they keep you informed of any progress along the way. The time it takes to resolve your concerns can be influenced by many things, including:
 - the number of staff involved
 - how easy it is to access your medical records
 - the number of other organisations that are involved
- contact you if they need to change the timescale
- investigate your concerns so they can provide a response
- write to you once they have investigated your concerns responding to the issues and offer a resolution
- help to make sure you understand the complaints process, or offer advice on where to receive assistance, such as from your local NHS complaints advocacy provider.

**Local resolution
can fix the
problem
immediately**

**You will receive
communication
within three
working days**

**Remember -
every case is
different**

How your case will be investigated and resolved:

Every case is different, and investigations and solutions vary depending on the issues involved. Throughout the process the NHS may:

- offer a meeting to discuss your concerns, which may involve you speaking with the staff directly about what has happened. A friend, relative or an advocate can attend any meetings with you throughout the process. These meetings are often held at the location of the NHS service provider which the complaint is about
- use conciliation or mediation services to help resolve the issues. The conciliator/mediator will only be involved if everyone affected agrees and will be an independent person who can arrange meetings with you and others involved. These meetings can be separate or together and give you the chance to discuss your experiences.

You can request that a particular member of staff is present, or not present, at your meetings. You don't have to attend these meetings if you don't want to, but it is usually helpful to do so.

At the meeting you should expect:

- a chair to be responsible for managing the meeting, making sure all concerns are discussed; the chair is often the person handling the complaint
- to be introduced to everyone attending the meeting
- a formal record to be kept, either in notes or a recording. They must ask your permission before recording the meeting. You should also be given/sent a copy of the meetings notes or recordings
- to be informed of any actions that have been agreed
- any next contact with you to be agreed

If you feel uncomfortable or distressed whilst at the meeting you can ask for a break or ask for the meeting to be stopped and reconvened another time.

Your advocate can assist you through this process by either attending the meetings with you, or helping you prepare for meetings.

You may be offered a meeting or mediation

We can assist you through every step of the process

You will be informed of the outcome in writing

How will I be told about the outcome?

When the NHS has finished investigating your issues and all meetings have been held the person handling your complaint will send you a letter. This letter will contain:

- a summary of your concerns
- the outcomes of the investigation and details of any actions that are going to be taken as a result
- information on what to do if you are unhappy with the outcomes.

Each investigation is different and will receive different responses, however the letter you receive may contain:

- an apology
- what actions are going to be taken as a result of your concerns
- details of who is responsible of the actions
- what steps have been taken to make sure the issue does not happen to other people

The letter should be impartial, factual, and address all the issues raised. The resolution should be explained and be easy to understand. The letter should not contain any technical terms, if it does, an explanation of those terms should also be included.

The letter should have been received within the timescale agreed when lodging the complaint. If this date has passed and you have not received your letter, you can ring, email or write to the person handling your complaint to ask when you should expect to receive it.

You may receive the letter by email if this was agreed.

Step 4: If you're not satisfied with the outcome

Occasionally the outcome of a complaint isn't as expected. If you are not happy with the response, you need to decide exactly what you weren't happy about. This will help you decide what you would like to do next.

A simple way to help you decide may be to:

- › review any letters, meetings, and conciliation or mediation processes
- › check whether the plan agreed with the NHS provider was followed
- › review which of your concerns are yet to be answered
- › understand whether the evidence you gave was not properly considered
- › look into whether you have achieved the outcome you wanted, if not, review what could have been done to achieve the outcome
- › check whether the complaints manager followed the ombudsman's good complaints handling principles.

Your options include:

- › writing another letter explaining what you believe has not been covered
- › calling the person handling your complaint and explain why you are unhappy with the outcome
- › requesting a meeting to discuss your concerns and why you believe they haven't been met
- › taking your complaint to the Health Service Ombudsman.

If you ask for further investigation into your concerns through the local resolution process, the NHS complaints service will discuss and agree and plan of action, including timescales. If they decide everything has been done to answer your complaint, they will let you know in writing.

Step 5: The Parliamentary and Health Service Ombudsman

You have the right to take your complaint to the Parliamentary and Health Service Ombudsman if you are unhappy with the outcome from local resolution. You can't usually raise your concerns with the ombudsman until every effort has been made to resolve the matter locally.

You should be advised in writing that everything has been done to answer your concerns locally. This will mark the end of local resolution and you can then refer your complaint to the ombudsman if you are still unhappy.


The Parliamentary and Health Service Ombudsman helps to resolve complaints about the NHS. The ombudsman is independent of the NHS and their powers are set down in law. Their service is free and confidential.

By law, you should submit your concerns to the ombudsman within one year of the incident, or when you became aware of the problem. If a year has passed, the ombudsman may still be able to help you if there were good reasons for the delay.


You can contact the ombudsman by:

 www.ombudsman.org.uk


 0345 015 4033

 textphone on 0300 061 4298 if you have a hearing impairment or have problems using a telephone

 phso.enquiries@ombudsman.org.uk

 texting 'call back' with your name and mobile number to 07624 813 005. The ombudsman will then call you back

 fax on 0300 061 4000

 Parliamentary and Health Service Ombudsman, Millbank Tower, Millbank, London SW1P 4QP.

What happens next?

When the ombudsman receives your complaint, they will first look at whether it is something they are able to investigate by law. The ombudsman may decide they can resolve the issue quickly by talking to the NHS provider that the complaint is about. If the ombudsman decides the NHS provider can do more to resolve your issue locally, they will ask them to do so.

The ombudsman will not usually investigate concerns when:

- › there is no evidence to suggest the NHS provider acted incorrectly
- › the NHS provider has done everything possible to make things right
- › the outcome desired cannot be achieved

When the ombudsman investigates your concerns, they will look in detail at what happened. When doing this they may need to gather more information by contacting you and/or the NHS provider involved. Every complaint is handled differently depending on the nature of the complaint, and therefore the steps they take throughout the investigation may vary.

Outcomes from the ombudsman

If the ombudsman decides the NHS have got things wrong, they will contact you and the NHS provider to explain their decision and recommend how things can be put right. Their resolution may include asking the NHS provider to:

- › acknowledge their mistakes and apologise
- › compensate you
- › give a better explanation of their actions
- › make changes so the problem does not happen again

Alternatively, the ombudsman may decide the NHS provider acted correctly or that they have already done enough to resolve the situation. If this is the case, they will contact you to explain why they have decided this. The ombudsman will usually share any expert advice they have received to give you more information about what happened.

What if you are unhappy with the ombudsman's decision?

The ombudsman's decision is final. This also includes their decision to not investigate your complaint, if that happens.

If you feel the ombudsman's decision is wrong, you may, under certain circumstances, ask them to review their decision. The review does not involve a complete investigation into the complaint. It usually involves reviewing whether the ombudsman took all the evidence into account and made a fair decision.

If you still disagree with the decision by the ombudsman, you can challenge it through the courts using judicial review.

Help with accessing medical records

You might want to see your medical records throughout the complaints process. If you're unsure how to get access to these, we can help.

Your patient records will include:

- › records from your GP and hospital doctor
- › nursing records
- › records created by other NHS staff
- › records of your visits to the practice, clinic or hospital
- › records of any NHS staff visits to you
- › details of any tests and their results, referrals, diagnosis, treatment, medication, etc.

Your rights regarding your records

Under the Data Protection Act 1998 you have the right to see your records, unless:

- › your doctor thinks that giving access to your records would seriously harm you or any other person. Be aware that this refusal may apply to part of your records and there is no obligation to inform you of a partial refusal. You can ask if any part of your records have not been made available to you.
- › giving access to your records would involve “disproportionate effort” on the part of a Trust or GP Practice.

How to apply for your records

You have to apply for access to your records. Applying for your records is normally a simple process. Some GP Practices and Trusts have a form specially designed for this and most Trusts will have a specially appointed person to deal with your application.

You should be given access to your records within 40 days of applying to see them. This is reduced to 21 days if they have been updated within the last 40 days.

If your records have not been updated within the last 40 days, Trusts and GP Practices can charge you for seeing them. This charge should be a maximum of £10.

We recommend getting copies of your records if you need to use something in them as evidence in your complaint. If you would like copies of your records, Trusts and GP Practices can charge you for the cost of postage and photocopying. This charge is a maximum of £50, including the initial £10 charge.

Trusts and GP Practices also have to explain anything within the records that is not easy to read, or where they use technical language that you do not understand.

If you are applying for someone else's records

You may want to apply to see someone else's records. If this is the case, the person has to give you authority to do so in writing. This includes parents wanting to see a child's records, as long as the child is able to understand the situation. If the person is not able to give authority due to incapacity or illness, you may have to seek legal advice and a court authorisation.

Records for a deceased patient can only be seen by a Person Representative. A Person Representative is normally an executor, or someone making a claim arising from the death, unless the deceased requested in their records that they did not want that person to have access to them.

Are your records inaccurate?

You can ask for them to be corrected.

If your doctor disagrees with the changes you would like to make, ask them to attach a record of the disagreement to your records.

If you would like to make a complaint about this, you can contact the Data Protection Information Commissioner.



your voice your rights your choice

Asking for an NHS complaints advocate

If you live in the London boroughs of Hammersmith & Fulham or Hackney and you'd like more support with your complaint to the NHS, contact us.

Hammersmith & Fulham

020 8106 1500

H-F@advocacyproject.org.uk

Hackney

020 3960 7920

referrals @advocacyproject.org.uk

Getting in touch

If you would like to volunteer for us, help evaluate our services, join our user steering committee, or get in touch for any other reason, please email us on info@advocacyproject.org.uk.

**Please contact us if you would like
information in easy read or another language.**

Our Hammersmith & Fulham
service is in partnership with

healthwatch
Central West London

www.advocacyproject.org.uk