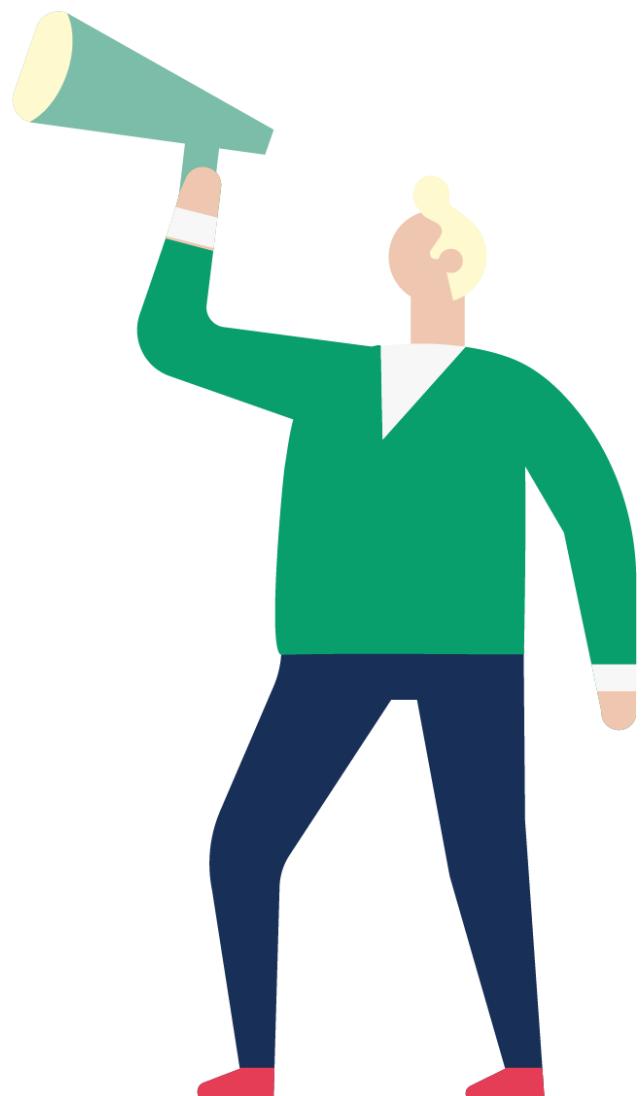


NHS Complaints Guide



Welcome to NHS Complaints guide

You can use this guide to help you raise a complaint about NHS services anywhere in England.

Making a complaint can feel daunting, but you have the right to be listened to and taken seriously. You don't have to get everything right - the complaints process is there to help you raise concerns and seek answers or improvements.

The NHS Complaints process

The NHS complaints process is:

- **Free to use**
- **Independent of NHS services**
- **Confidential**

You can make a complaint yourself, or you can ask for support.

Your right to advocacy support

If you need extra help to make an NHS complaint, you have a legal right to free, independent advocacy.

This is called Independent Health Complaints Advocacy (IHCA).

An IHCA advocate can support you to:

- understand the complaints process
- decide what you want to say and what outcome you're hoping for
- write letters or emails
- prepare for meetings or attend them with you
- understand responses and next steps

IHCA is free, confidential and impartial.

The Advocacy Project does not currently provide free NHS complaints advocacy. However, we want to make sure you can find the right support.

You can find your local IHCA provider by:

- contacting your local council's social care services
- contacting your local Healthwatch
- searching the NHS website or the Parliamentary and Health Service Ombudsman website

Large national providers include POhWER, The Advocacy People and Voiceability.

Can The Advocacy Project help?

This guide is designed to help you decide:

- whether you feel able to make a complaint on your own
- whether you would like support from a local IHCA advocate
-

In some circumstances, The Advocacy Project may be able to offer support through our **fee-paying advocacy service**. This is not a replacement for IHCA, and free statutory advocacy should always be explored first.

You are welcome to contact us if you would like more information.

Who can raise an NHS complaint?

You can raise concerns about your own NHS care or treatment.

You can also complain on behalf of someone else, including:

- someone who has died
- a child
- someone who cannot complain themselves because of illness, disability, or lack of capacity
- someone who has asked you to complain for them, with their consent

The NHS organisation must be satisfied that:

- there are reasonable grounds for you to act on their behalf, and
- the complaint is in the person's best interests

If they decide not to investigate, they must explain why in writing.

If something is happening right now

If your concern is about care or treatment you are currently receiving, the quickest way to resolve it is often to speak directly to the staff involved.

If this doesn't feel possible, you can contact the **Patient Advice and Liaison Service (PALS)** at your local NHS trust. PALS can:

- answer questions
- help resolve problems quickly
- explain what to do next

If the issue is not resolved, you can then make a formal NHS complaint.

What to expect from the complaints process

You should expect the NHS to:

- investigate your concerns properly
- keep you informed
- explain the outcome of their investigation

If you are not satisfied with the response, you have the right to complain to the **Parliamentary and Health Service Ombudsman**.

What the NHS complaints process covers

You can complain about services that are provided or funded by the NHS, including:

- GPs
- hospitals
- dentists, opticians and pharmacists
- ambulance services
- NHS-funded nursing care
- NHS-funded care packages

It can also cover concerns involving both health and social care, where the NHS is involved.

What the NHS complaints process does not cover

The NHS complaints process cannot be used for:

- privately funded healthcare
- claims for financial compensation
- disciplinary action against staff
- privately funded care homes
- public health services run by local authorities

Other routes may be more appropriate, and we explain these later in this guide.

Preparing to raise an NHS complaint

Before starting a complaint, it can help to take some time to think about:

- what your concerns are, and
- what you would like to happen as a result.

Being clear about this can make the process feel more manageable and help the NHS respond more effectively.

What are your concerns?

Your concerns can be about any part of the care, treatment or service you received from the NHS. This might include:

- your treatment or care

- the attitude or behaviour of staff
- poor communication
- long waiting times
- lack of information
- a failure to diagnose a condition

You can also use the NHS complaints process if:

- there are serious concerns about the standard of care
- more than one organisation is involved
- you feel your concerns have not been fully resolved so far

What would you like to achieve?

Before raising your complaint, it's helpful to think about what outcome you are hoping for.

Try to be clear and realistic about this, as it can help your complaint be dealt with more efficiently.

Common outcomes include:

- an explanation of what happened
- an apology
- changes to a service so the problem doesn't happen again
- better communication between NHS staff and patients

There are some limits to what the NHS complaints process can achieve. It cannot be used to:

- seek financial compensation
- take disciplinary action against individual staff members

How to raise your concerns

Most NHS organisations prefer complaints in writing, but you can raise your concerns in the way that works best for you, including:

- by email
- by phone
- in person
- by letter

If you raise your complaint by phone or in person, the person handling it should make a written record and give you a copy.

If you have advocacy support, an advocate can help you write letters or prepare what you want to say.

Who should you send your complaint to?

Who you contact depends on the NHS service you're complaining about. If you're unsure, you can contact the service directly to ask about their complaints process.

Complaints about an NHS trust

This includes hospitals, mental health services, community services and ambulance services.

You can send your complaint to:

- the **Chief Executive** of the NHS trust, or
- the **Integrated Care Systems ICSs** responsible for the service

You cannot ask both to investigate the same complaint.

Complaints about a GP, dentist, optician or pharmacist

You should usually raise your concerns directly with the service or its manager.

You can also complain to **NHS England**, who will contact the service and investigate your concerns. You cannot ask both NHS England and the service provider to investigate.

You can contact NHS England by:

- post: NHS England, PO Box 16738, Redditch B97 9PT
- email: england.contactus@nhs.net (mark for the attention of the complaints manager)
- phone: 0300 311 2233 (Monday to Friday, 8am–6pm, excluding bank holidays)

If you complain to NHS England, you will need to include:

- your name
- a clear explanation of your concerns

Complaints about NHS 111 or out-of-hours services

These should be sent to the local Integrated Care Systems ICSs.

You can find details via your local authority, local Healthwatch, or the NHS website. If you're unsure who to complain to, you can seek advice from an advocacy service.

Local resolution – what usually happens

Most NHS complaints are dealt with through **local resolution**. This means the NHS service involved works directly with you to understand and resolve the issue.

This usually involves:

1. you sending your complaint
2. an acknowledgement within three working days
3. agreeing a timescale for a response
4. meetings or discussions, if needed
5. a written response and proposed resolution

Local resolution gives the service the opportunity to put things right quickly and learn from your experience.

It's important to raise all your concerns at this stage, as new issues usually cannot be added later.

How long will it take?

Some concerns can be resolved quickly. Others may take longer.

In most cases, the NHS will:

- acknowledge your complaint within three working days
- contact you to discuss your concerns and agree a timescale
- keep you informed if the timescale needs to change
- investigate the issues
- write to you with their findings and response

How long it takes can depend on factors such as:

- how many staff are involved
- how easy it is to access records
- whether more than one organisation is involved

Meetings, investigations and resolving concerns

Every complaint is different. As part of the process, the NHS may:

- offer a meeting to discuss your concerns
- use conciliation or mediation, if everyone agrees
-

You can bring a friend, family member or advocate to meetings. You can also ask for specific staff members to attend or not attend.

At meetings, you should expect:

- a chair to manage the meeting
- introductions to everyone present
- a written or recorded record (with your consent)
- clarity about agreed actions and next steps

If you feel uncomfortable or distressed, you can ask for a break or for the meeting to stop and continue at another time.

An advocate can support you to prepare for meetings or attend with you.

How you will be told the outcome

Once the investigation is complete, you should receive a written response. This will usually include:

- a summary of your concerns
- what was found
- any actions that will be taken
- what to do if you're unhappy with the outcome

The letter may include:

- an apology
- details of actions and who is responsible
- steps taken to prevent the issue happening again

The response should be clear, factual and easy to understand. Any technical terms should be explained.

If you do not receive a response within the agreed timescale, you can contact the person handling your complaint to ask for an update.

If you're not happy with the outcome

If the response does not address your concerns, it can help to:

- review what has and hasn't been answered
- check whether agreed actions were followed
- consider whether your desired outcome has been met

Your options include:

- writing or calling to explain what you're unhappy with
- asking for a further meeting
- requesting further investigation
- taking your complaint to the **Parliamentary and Health Service Ombudsman**

If the NHS decides no further action is needed, they must explain this to you in writing.

Taking your complaint to the Parliamentary and Health Service Ombudsman

If you are unhappy with the outcome of local resolution, you have the right to take your complaint to the Parliamentary and Health Service Ombudsman (PHSO).

You can usually only contact the ombudsman after all reasonable efforts have been made to resolve your complaint locally. You should be told in writing when local resolution has ended and that nothing further can be done by the NHS organisation.

What the Parliamentary and Health Service Ombudsman does:

- investigates complaints about the NHS
- is independent of the NHS
- has powers set out in law
- provides a free and confidential service

By law, complaints should normally be made within one year of:

- the incident you are complaining about, or
- when you first became aware of the problem

If more than a year has passed, the ombudsman may still consider your complaint if there were good reasons for the delay.

Contact details

Website: www.ombudsman.org.uk

Phone: 0345 015 4033

Textphone: 0300 061 4298

Email: phso.enquiries@ombudsman.org.uk

Text 'call back' with your name and number to: 07624 813 005

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

What happens next

When the ombudsman receives your complaint, they will first decide whether they are legally able to investigate it.

In some cases, they may:

- resolve the issue quickly by speaking with the NHS provider, or
- ask the NHS organisation to do more to resolve your complaint locally

The ombudsman will not usually investigate if:

- there is no evidence the NHS organisation acted wrongly
- everything possible has already been done to resolve the issue
- the outcome you are seeking cannot be achieved

If the ombudsman investigates, they will look closely at what happened. This may involve gathering information from you and the NHS organisation involved. Each case is handled individually, so the process may vary.

Possible outcomes

If the ombudsman finds that the NHS has got things wrong, they may recommend that the NHS organisation:

- acknowledges mistakes and apologises
- provides compensation
- gives a clearer explanation of what happened
- makes changes to prevent the issue happening again

If the ombudsman decides the NHS acted appropriately, or has already done enough to resolve the complaint, they will explain their decision to you. They will usually share any expert advice they relied on.

If you are unhappy with the Ombudsman's decision

The ombudsman's decision is final, including decisions not to investigate a complaint. In some circumstances, you may ask for a review of the decision. This does not involve a full reinvestigation, but looks at whether:

- all relevant evidence was considered, and
- the decision-making process was fair

If you still disagree, you may be able to challenge the decision through the courts using judicial review.

Accessing your medical records

You may want to see your medical records as part of the complaints process. If you need support with this, we can help explain what to do.

What your records may include

- GP and hospital doctor records
- nursing and other clinical notes
- records of appointments and visits
- test results, referrals, diagnoses and treatment
- medication information

Your rights

Under data protection law, you have the right to see your records unless:

- access would cause serious harm to you or someone else, or
- providing access would involve disproportionate effort

Sometimes only part of a record may be withheld. You can ask whether this has happened.

How to request your records

You need to make a Subject Access Request (SAR). Many GP practices and NHS trusts have a standard form and a dedicated contact for this.

- You should usually receive your records within one calendar month
- Complex or multiple requests may take up to three months
- Copies are normally free, unless the request is unfounded, excessive, or you ask for additional copies

If anything in your records is unclear or uses technical language, the NHS should explain this to you.

If your records are inaccurate

You can ask for inaccurate information to be corrected.

If your doctor disagrees, you can ask for a note of disagreement to be added to your records. If you remain unhappy, you can contact the **Information Commissioner's Office (ICO)**.

Accessing someone else's medical records

You can only access another person's records if:

- they give written permission
- you have legal authority to act on their behalf
- there is another lawful basis for access

For children:

- parents can usually access records for children aged 12 or under
- children aged 13 or over are usually considered able to decide for themselves

If someone lacks capacity, legal advice or court authorisation may be required.

Records of a deceased person can only be accessed by:

- the personal representative of the estate, or
- someone making a claim relating to the death
(unless the deceased recorded that access should be refused)

Support from an NHS complaints advocate

People have a statutory right to free NHS complaints advocacy in many areas of the UK. Availability varies by location, and you should be able to find up-to-date local services through the links provided earlier in this guide.

While The Advocacy Project can offer support, we're not currently funded to provide Independent Health Complaints Advocacy. We can only offer this support through our fee-paying services at present.

