

HELP WITH MAKING YOUR NHS COMPLAINT



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Introduction

If you have been treated poorly by the NHS then you have a right to make a complaint. In England this rights comes from the NHS (England) Complaint Regulations 2009.

If you feel you need practical support and assistance in making a complaint then you are entitled to an advocate to help you. The service is free and is independent of the NHS.

For residents of West Sussex the advocacy service is delivered by ICAS (Independent Complaints Advocacy Service). ICAS is part of Healthwatch West Sussex which is the consumer champion for health and social care issues. Contact details for ICAS can be found at the end of this leaflet.

ICAS has produced this guide in order to support people in making an NHS complaint.

What is covered by the NHS Complaints Procedure?

The NHS Complaints procedure applies to all services provided or funded by the NHS including GP's, hospitals, pharmacies, opticians, the ambulance service and any NHS social care (including nursing home or home based care) that you might receive.

You can also use the NHS complaints procedure if your complaint covers both health and social care, and to complain about NHS funded care or a home based care package which is funded by the NHS (usually through Continuing healthcare).

You cannot use the NHS complaints system for complaints that are about:

- Social care alone or other services provided by the council
- Privately funded health, nursing home or home based care
- Personnel matters, such as getting staff disciplined
- Legal issues and claims for compensations
- Contractual matters and consultations about service charges.

Who can complain?

You may complaint about your own care and treatment or a service failure that has affected you.

You can also complaint on behalf of:

- Someone who has died
- A child
- Someone who cannot complaint for themselves because of
 - Physical incapacity
 - Lack of capacity within the meaning of the Mental Capacity Act 2005
- Someone who has asked you to do so provided they give their written consent

What can I get from my complaint?

When making a complaint you may wish to think about what you want as an outcome and make this clear in the complaint letter. Complaint outcomes you can ask for are:

- An explanation for what happened.
- An apology
- What improvements will be made to stop any poor care happening again
- Financial recompense for out of pocket expenses*

*if you think the service has been negligent in their treatment of you and as a result you are seeking damages then, firstly, you may wish to speak to a solicitor before making a complaint. If you have home insurance you may have legal cover for this. NHS organisations have no obligation to pay damages as a result of a complaint and if you end up taking the complaint to the Health Service Ombudsman then any money they may award you may well be less than you get from a Court.

Accessing health records

Before making your complaint you may wish to obtain a copy of your medical records. Patient records include

- GP, hospital and other NHS staff records
- Details of visits, treatments, medication, tests and their results, diagnosis and referrals. Under the Data Protection Act 1998, you have a right to see your records, unless your doctor thinks that to do so would serious harm you or another person. There are different ways of viewing your records and, depending on what you require and how your records are stored, there may be a charge.

Further details about accessing medical records can be found at <http://www.nhs.uk/chq/pages/1309.aspx?categoryid=68>

The NHS Complaints Process

Informal resolution

Some issues, such as a concern about current care or treatment, may be best resolved without making a formal complaint, you can do this by speaking to a member of staff, doctor or practice manager informally about your concerns. If your complaint involves a hospital then their Patient Advice and Liaison Service (PALS) may be able to help you.

If you feel that your problem has not been resolved, you can make a formal complaint.

Making a formal complaint – Local resolution Part 1

Your complaint can be made orally or in writing to the service provider: ie The GP, dentist, hospital etc that you wish to complain about.

OR

If you feel uncomfortable complaining directly to the service provider you can send the complaint to the commissioner of the service, this may be NHS England for GP Surgeries and Dentists or your local Clinical Commissioning Group (CCG) for Hospital services. If you are unsure who the commissioner of your service is you can contact NHS England as follows;

- By telephone: 0300 311 22 33
- Email: England.contactus@nhs.net
- Post: NHS England, PO Box 16738, Redditch, B97 9PT

All complaints must be acknowledged within three working days. You should then be contacted to discuss your complaint and to arrange a plan for it to be resolved. Sometimes a complaint can be independently investigated, if you think the matter is serious enough to warrant this then you should discuss this with the organisation you are complaining to. If your request for an independent investigation is refused you may wish to contact your local advocacy service for assistance.

There is no time limit for a response to your complaint although after six months you should be told why you haven't received a reply and a response should be sent to you as soon as possible.

Local resolution – Part 2

If you are not satisfied with your complaint response then you can ask for a meeting to discuss your outstanding concerns. If you do not feel comfortable with a meeting you should respond in writing or orally with why you are not satisfied and you should then receive a further written response.

There is no time limit for either a meeting to be set up or in receiving a further written response. If you feel you have waited an unreasonably long time for either you can contact the Ombudsman as below.

The Parliamentary and health Service Ombudsman

If you have had a meeting or a further written response as per Part 2 of the local resolution process and you are still not satisfied then you can take your complaint to the Parliamentary and Health Service Ombudsman (PHSO).

In exceptional circumstances the PHSO may look at a matter before you have completed the local resolution stage. It is difficult to give an example of such a circumstance but it may include where a Trust respond to a complaint saying that not giving speech and language therapy to a child is fine. In this example pursuing the local complaints process may lead to permanent developmental problems. If you think this applies to your case you may wish to talk to the PHSO before putting your complaint to them.

NHS Complaint Time Limits

If you want to be sure that your complaint will be dealt with then you need to be aware of the time limits that apply to all NHS complaints.

The NHS Regulations 2009 state that a complaint must be made no later than **12 months** after:

- The date on which the event(s) of the complaint occurred.
- When the individual became aware of the cause for complaint.

However, if your complaint is made after the 12 month time limit, it may still be dealt with if...

- You have good reasons for not making a complaint within that time limit.
- Despite the delay, it is possible for the complaint to be investigated fairly and effectively.

The same time limits apply to the Parliamentary and Health Service Ombudsman (PHSO).

The PHSO will expect you to exhaust the local resolution stage of the complaints process first before you approach them. The different stages of the complaints process are described in a separate self help guide. It is therefore important that you try and exhaust the local stage of the complaints process within 12 months so that you can go to the PHSO within the legal time limits. However the PHSO do have a discretion to look at complaints more than 12 months old. As the PHSO realise that it can take a long time to exhaust the local process then they will often still look at your complaint even if has taken more than 12 months to get to them.

In exceptional circumstances the PHSO may look at a matter before you have completed the local resolution stage. It is difficult to give an example of such a circumstance but it may include where a Trust respond to a complaint saying that not giving speech and language therapy to a child is fine. In this example pursuing the local complaints process may lead to permanent developmental problems. If you think this applies to your case you may wish to talk to the PHSO before putting your complaint to them.

Writing a Letter of Complaint

Style

- Do not feel that you are bothering someone/making a fuss when writing a formal letter of complaint.
- Lay out your concerns in a calm and polite manner, without using aggressive or accusatory language.
- Keep your complaint letter clear and concise

Content

- Begin the letter by explaining the series of events that have led to your letter of complaint.
- Consider putting the key complaint(s) into bullet points, in order of importance.
- If the complaint is the result of an ongoing series of events, you can also add a timeline of events.
- After you have laid out your complaint, state the outcome(s) you would like to achieve as a result of your complaint i.e. an apology, service improvement, rescheduled appointment or financial compensation.

Documents

- Keep all original letters that you have sent and have received regarding your complaint.
- File them in date order.
- If you wish to include documents in your complaint, send **copies** of the documents, not the originals.

Note: if you are making a complaint on someone else's behalf, make it evident in the letter that you have the individual's permission to make a complaint.

You may wish to send your complaint letter on recorded delivery

If you feel uncomfortable with making a complaint directly with the service who you are complaining about i.e GP, Hospital, Dentist etc then you can complain to the organisation that commissioned that service. For example with a Hospital complaint this would be your local Clinical Commissioning Group. If you are unsure who commissions the service you can speak with NHS England or your local complaints advocacy service who should be able to tell you.

Complaint Letter Template

Insert your name and address here.

[Complaints Manager]

Followed by name and address of organisation:

GP/Dental Surgery/Hospital Trust or commissioner of service such as NHS England

[Insert date here]

Dear Sir/Madam

RE: [NHS Complaint] [Name of complainant] [Postal address] [D.O.B] (if you are complaining on behalf of someone else put in their details).

Please treat this as a letter of complaint regarding my / the above patient's treatment from **[Insert GP/Doctor/Trust etc]**

OR

[Briefly explain why you are making the complaint on the someone else's behalf i.e. you are their carer/relative, the person is too young, deceased, lack capacity to complain without assistance.]

BACKGROUND

Clearly explain the background of your complaint, when writing your background you then bear in mind the four W's:

**What happened?
When?
Where?
Who was involved?**

Make sure to include dates of when each incident occurred. If the complaint is complex, then you may wish to write a timeline of events on a separate page and attach it to the letter.

COMPLAINT

I would like the following points of complaint addressed; -

[Put your points of complaint in bullet points or numbers, ensure the points are clear and list the concerns in order of importance. Keep the points as brief as you think is reasonable]

WHAT I WOULD LIKE

In this section you will list what outcomes you would like as a result of this letter ie:

“As an outcome to my complaint, I would like the following...”

[This could be an apology, an explanation for what happened, what steps will be taken so it doesn't happen again, compensation*].

Yours faithfully,

**[Name of complainant]
[Insert contact number]**

*See 'What can I get from my complaint' for information regarding compensation and complaints.

Sample Complaint Letter

Joe Bloggs
123 Alphabet Close
Crowley
RH12 7HY

Prince's General Hospital
Bighurst
Sandwich
BN4 4PF

1st April 2015

Dear Sir/Madam

Please treat this as a letter of complaint regarding my treatment from Dr Harvey Milk and my cancelled appointments at the Prince's General Hospital.

BACKGROUND

On 7th January 2015 I attended Green Fields Medical Centre for a regular appointment as I have been experiencing persistent back pain after an injury at work that occurred on 10th October 2014.

I booked an appointment with my GP, Dr Smith, for 15th October 2014 and he prescribed me a course of strong painkillers but this did not help. I went back to my GP and explained this to him and as a result I was referred to the pain clinic at Prince's General Hospital as I was informed that I may be suffering from chronic back pain.

My appointment was scheduled with Dr Milk at the pain clinic on 10th February 2015 at 10am. I arrived at the clinic 30 minutes early for the appointment only to wait for three hours. A receptionist then approached me and said that my appointment was cancelled but gave no explanation as to why. I asked if they could reschedule another appointment but was simply told to go back to my GP.

My GP kindly rearranged another appointment for 3rd March 2015 at 2pm which I attended but had to wait two hours to be seen by the Dr Milk. When I was finally called in for the appointment Dr Milk barely examined my back, glanced at my medical records, informed me my condition was not serious and told me that I did not need to be referred to a pain clinic and that my GP should prescribe me strong painkillers. Even though I tried to explain to Dr Milk that I was already taking strong painkillers he did not listen and just told me to go back to my GP.

COMPLAINT

I would like the following points addressed in response to this complaint:

- Why did Dr Milk dismiss my chronic back pain as just needing strong painkillers when I explained to him that I was already prescribed strong painkillers by my GP?
- If Dr Milk had a copy of my medical records then was it appropriate for my back pain to be dismissed as not being serious.
- Why was I made to wait three hours for my first appointment at the pain clinic on 10th February 2015 only to be told that my appointment was cancelled with no further information given.

WHAT I WOULD LIKE

As a result of this complaint I would like an apology from Mr Milk and an explanation for my bad experiences. I would also like to have another appointment rescheduled at the pain clinic with a different consultant who will prescribe the appropriate treatment for my long term back pain.

Yours faithfully,

Mr Joe Bloggs
01632 960802

Where to send your Complaint to

If you are complaining about a dentist, pharmacy or GP Surgery you can complain to the provider of the service or the commissioner of the service. The commissioner in these cases is;

[NHS England](#)
 PO Box 16738
 Redditch
 B97 9PT

Below is a list of Hospital Trusts and the contact details for making a complaint. If your complaint is about a hospital you can also complain to your local Clinical Commissioning Group who commissions hospital services, contact details for which are found below this table.

NHS Trusts:	Address:	Telephone and email
Brighton and Sussex University Hospital NHS Trust (For complaints about the Royal Sussex County Hospital, Princess Royal Hospital, Royal Alexandra Hospital for Children, Sussex Eye Hospital and Brighton General Hospital)	Matthew Kershaw - Chief Executive Brighton and Sussex University Hospital NHS Trust Trust Headquarters Eastern Road Brighton BN2 5BE	Telephone: 01444 448678 (Hayward' s Heath site) 01273 523284 or 664588 (Brighton site) Email: pals@bsuh.nhs.uk
Sussex Community NHS Trust (For complaints about community, Rehabilitation, Children's services and Bognor Regis War Memorial Hospital)	Service Experience Team FREEPOST (BR117) Elm Grove Brighton BN2 3EW	Telephone: 01273 242292 Email: sc-tr.serviceexperience@nhs.net
Sussex Partnership NHS Foundation Trust (For complaints about Substance Misuse, Learning Disabilities and Mental Health Services)	Chief Executive Office Trust Headquarters Swandean, Arundel Road Worthing West Sussex BN13 3EP	Telephone: 01903 843049 Email: complaints@sussexpartnership.nhs.uk

<p><u>Western Sussex Hospital NHS Foundation Trust</u> (For complaints regarding Worthing Hospital and Southlands Hospital)</p>	<p>The Chief Executive Western Sussex Hospitals NHS Foundation Trust Worthing Hospital Lyndhurst Road Worthing BN11 2DH</p>	<p>Telephone: 01903 285032 - Worthing 01243 831822 – St Richards</p> <p>Email: <u>PALSWorthing@wsht.nhs.uk</u> <u>PALSChester@wsht.nhs.uk</u></p>
<p><u>The Queen Victoria Hospital NHS Foundation Trust</u></p>	<p>The Chief Executive Queen Victoria Hospital Holtye Road East Grinstead West Sussex RH19 3DZ</p>	<p>Telephone: 01342 414355</p> <p>Email: <u>pals@qvh.nhs.uk</u>.</p>
<p><u>Surrey and Sussex Healthcare NHS Trust</u> (For complaints about Crawley Hospital, Horsham Hospital and East Surrey Hospital)</p>	<p>Complaints Department Surrey and Sussex Healthcare NHS Trust East Surrey Hospital Redhill RH1 5RH</p>	<p>Telephone: 01737 768511 extension 6825 during office hours Email: <u>sash.complaints@nhs.net</u></p>
<p><u>South East Coast Ambulance Service NHS Trust</u></p>	<p>Complaints South East Coast Ambulance Service NHS Trust 40-42 Friars Walk Lewes East Sussex BN7 2XW</p>	<p>Telephone: 0300 1239 242 Email: <u>complaints@secamb.nhs.uk</u></p>

CLINICAL COMMISSIONING GROUP CONTACT DETAILS

If you live in Crawley, your local Clinical Commissioning Group is:

[NHS Crawley CCG](#)

Lower Ground Floor
Crawley Hospital
West Green Drive
Crawley
RH11 7DH

If you live in Horsham or Mid Sussex

Comments and Complaints Team
[NHS Horsham and Mid Sussex CCG](#)

Lower Ground Floor
Crawley Hospital
West Green Drive
Crawley
RH11 7DH

If you live in Adur, Bognor Regis, Chichester, Arun and Worthing

[NHS Coastal West Sussex CCG](#)

Comments and Complaints Team
NHS Coastal West Sussex CCG
1 The Causeway
Goring-by-Sea
West Sussex
BN12 6BT

Contact Details

If you are a resident of West Sussex and need further help with your complaint please feel free to contact the ICAS West Sussex Team

Call: **0300 3038 536**

Email: icas@westsussexcab.org.uk

Website: www.healthwatchwestsussex.co.uk

Or visit your nearest Citizens Advice

Further help, including downloadable letters can be found at [http://www.healthwatchwestsussex.co.uk/](http://www.healthwatchwestsussex.co.uk)

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Registered Charity Number: 1116660

Registered Charity Address: Lower Tanbridge Way, Horsham, RH12 1PJ

Registered Company Number: 05551406 (Cardiff).

