

# NHS Complaints



## Self-Help Information Pack

**Rethink**

Advocacy



This self-help pack may be useful if you are considering making a complaint about an NHS service.

It explains how you can make a complaint and what support you can get.

Rethink NHS Complaints Advocacy Services are:

- Independent from the NHS
- Free to use
- Confidential

## This pack contains:

1. Is a complaint the right option for me?
2. Can I complain?
3. Is there a time limit?
4. How do I complain?
5. Who should I complain to?
6. Who can help me make my complaint?
7. What happens next?
8. Can 'Healthwatch' help?
9. How can I complain about how staff have behaved?
10. Can I take the service to court?
11. Sample complaints letters

# 1. Is a complaint the right option for me?

This pack may help you if you want to make a complaint about an NHS worker or service such as:

- a GP,
- a dentist
- a nurse
- a consultant,
- a specialist NHS team
- NHS hospital treatment.

If you would like to complain about other services, like private healthcare or social services then other rules apply. You can ask these services for details of their complaints procedure.

You can make a complaint to show that you are unhappy with a service you have used.

You might feel that a service:

- has not treated you with respect,
- has given you the wrong care or treatment,
- did not help quickly enough,
- did not do enough to help you, or
- was taken away sooner than it should have been.

If you have had a poor experience, you may want to make a complaint. Your complaint could help make things better for you or other people in the future.

You may worry that you will lose out if you complain. You might be concerned that The NHS won't support you anymore, or that staff will treat you differently. This should not happen, so don't let this put you off.

## The other option:

If you want to give feedback without turning it into a complaint you can: contact the relevant Patient Advice and Liaison Service to discuss things further (PALS) or the Patient Advice and Complaints Team for Devon (PACT)

# 2. Can I complain?

You can complain about any NHS services you are using or have used in the past. Alternatively, your carer, friend, relative or advocate might be able to complain for you.

Carers, friends and relatives can complain on someone else's behalf, advocates can support relatives and carers to make a complaint on someone else's behalf or "support the individual to make the complaint on their own behalf.

Advocates, carers, friends and relatives can only complain on someone else's behalf if one or more of the following is true:

- the person has asked them to make a complaint for them
- the person cannot make decisions about making a complaint (lacks capacity)
- the person has died

**Paid carers cannot complain on their client's behalf.**

# 3. Is there a time limit?

It depends on how long ago it happened.

You should make your complaint within 12 months of the incident happening **OR**

Within 12 months of you realising you have something to complain about.

**NHS organisations can waive this time limit if there are good reasons why you could not complain earlier.**



# 4. How do I complain?

You can make our complaint either verbally or in writing. Some services might have an online form you can use on their website.

## Complaining in person

If you make your complaint verbally, you need to be clear that you want to make a complaint.

Make sure the person you speak to makes a note of your complaint and gives you a copy of the record they have made.

You should make a note of:

- who you spoke to,
- what you talked about, and
- the date and time.

## Complaining in writing

If you make a complaint by letter or email, make sure that it is clearly marked with the word 'complaint'.

### Make sure you explain:

- what has happened,
- why you are not happy, and
- what you would like to happen next.

There are sample complaints letters at the end of this pack.

If you send a letter, make sure that you keep a copy of it for your records. You might find it helpful to send it by recorded delivery so that you can prove that it has been received



# 5. Who should I complain to?

## You can complain to the:

- The senior person in the service you had problems with. (This might be the practice manager for a GP service)
- For most hospitals the Patient Advice and Liaison Service (PALS) or equivalent is the team that deals with complaints.
- You can complain to the organisation that oversees the service. For a GP service, this would be NHS England. For hospital services, this would be your local Clinical Commissioning Group (CCG).

# 6. Who can help me make my complaint?

Making a complaint can seem stressful. If you feel that you cannot face it alone, you can ask a friend, relative or unpaid carer to:

- help you write it,
- make the complaint on your behalf,

If you don't know anyone suitable, you can:

- ask the Independent NHS Complaints Advocacy Service to help you write and submit your complaint
- ask Patient Advice and Liaison Service (PALs) for help. Even though they are not independent of the hospital, they are skilled in helping people to explain their needs in relation to complaints and they will not take sides.

**You can search for your local service at [www.nhs.uk](http://www.nhs.uk) and search PALs**

**Providers of Independent NHS Complaints Advocacy Services change depending on local commissioning arrangements. You can search the internet to find your local provider. Rethink already provide the service in Devon, Essex, Wandsworth and Richmond with plans to expand in the future.**

Some NHS Trusts call PALs something different for example the first point of call for getting a complaint investigated in Devon is through Patient Advice and Complaints Team (PACT) regardless of the variations in name they both do the same job

## Making the complaint

Sometimes it may be possible to resolve your concerns immediately, but if this is not the case the person or organisation you are complaining to should:

- acknowledge your complaint either verbally or in writing within three working days.
- offer to contact you to discuss your complaint and arrange a plan to resolve your concerns with you; this means they will discuss how best to resolve your concerns and what you hope to achieve from raising them.
- agree a timescale with you for resolving the issues and how they will keep you informed of progress.

Suggested timescales can be influenced by things such as how many staff they need to speak to, how easy it is for them to access your medical records and if other NHS organisations are involved. Where there is a problem in keeping to the agreed time scale, they should contact you before it expires to agree an amended one.

An NHS investigation might involve:

- meeting with you in person
- visiting the service
- looking at records
- interviewing staff members
- seeking specialist advice



## 7. What happens next?

If you are not happy with the complaint response you can take your complaint to the 'ombudsman'. You must do this in writing. There is a special form to fill in which is available on their website, alongside an explanation of the rules.

An ombudsman is an independent body. This means that they are separate from the NHS.

They can make recommendations if they find that your complaint should have been upheld, and that the NHS Trust failed to do so.

### **Parliamentary & Health Service Ombudsman (PHSO)**

**Telephone:** 0345 015 4033  
(8.30am-5.30pm Monday-Friday)

**Address:**  
Millbank Tower, Millbank,  
London, SW1P 4QP

**Email:**  
phso.enquiries@ombudsman.org.uk

**Website:**  
www.ombudsman.org.uk

You cannot usually make a complaint to the ombudsman until the organisation you are complaining about has given a final response to your complaint.

You need to complain to the ombudsman within 12 months of receiving the final response to your complaint.

In some circumstances you might be able to go straight to the ombudsman if the service will not investigate your complaint without good reason.

'Please note the Ombudsman's decision is final unless new information/evidence is presented. Once the Ombudsman's final decision is made, if advocacy are involved in supporting you with the complaint, the advocacy support will end'



## 8. Can 'Healthwatch' help?

If you have concerns about local NHS, you can contact your local Healthwatch. Their approach is more about improving services rather than addressing grievances, so they cannot help you with the actual complaint.

If they think that your issue will affect others they can campaign for better local services.

Your local Healthwatch can also pass information on to Healthwatch England to try to change things across the country.

You can find out more at [www.healthwatch.co.uk](http://www.healthwatch.co.uk).



# 9. How can I complain about how staff have behaved?

If you want to complain about professional misconduct you can complain to a professional regulator. Professional regulators make sure that health professionals do their job properly. They cannot deal with less serious complaints about staff in the NHS.

If the regulator thinks that the staff member has acted unprofessionally, they can stop them from working in that profession.

The General Medical Council (GMC) can deal with complaints about the serious misconduct of doctors.

## General Medical Council

The professional regulator for doctors.

**Telephone:**  
**0161 923 6602** (Monday-Friday 8am-6pm, Saturday 9am-5pm)

**Address:**  
Fitness to Practice  
Directorate, General  
Medical Council,  
3 Hardman Street,  
Manchester, M3  
3AW

**Email:**  
**[practise@gmc-uk.org](mailto:practise@gmc-uk.org)**

**Website:**  
**[www.gmc-uk.org](http://www.gmc-uk.org)**



The Nursing and Midwifery Council (NMC) can deal with complaints about the serious misconduct of nurses.

## Nursing and Midwifery Council

The professional regulator for nurses and midwives.

**Telephone: 020 7637 7181**  
(Monday-Friday 8am-5:45pm)

**Address:**  
Fitness to Practice,  
1 Kemble Street,  
London, WC2B 4AN

**Email: [newreferrals@nmc-uk.org](mailto:newreferrals@nmc-uk.org)**  
**Website: [www.nmc.org.uk](http://www.nmc.org.uk)**

The Health and Care Professions Council (HCPC) can deal with complaints about the serious misconduct of occupational therapists and social workers.

## Health and Care Professions Council

Regulates health, psychological and social care professionals.

**Telephone: 0300 500 6184**

**Address:**  
184-186 Kennington Park  
Road, London, SE11 4BU

**Email: [registration@hcpc-uk.org](mailto:registration@hcpc-uk.org)**

**Website: [www.hcpc-uk.org](http://www.hcpc-uk.org)**

# 10. Can I take the service to court?

If you feel that the NHS have treated you badly, you may decide to go to court to sort out the problem.

If you want this, it is best to seek legal advice first.

A solicitor can help you to consider:

- whether taking them to court is the best way to sort out the problem
- how much it will cost to take them to court
- the likelihood of winning your case

## You should consider:

- how much the issue has affected you, and
- how much stress taking them to court would cause you

**Please be aware that you cannot pursue legal action and a complaint at the same time. If you take legal action, the complaint process stops. It is therefore useful to go as far as you can with the complaint before you start to go down the legal route.**

# 11. Sample complaint letter

Private and Confidential  
**COMPLAINT**

[Your name] [Your address]  
[Day] [Month] [Year]

Complaints Manager  
[Service you are complaining about] [Address]

Dear Sir/Madam,

## Complaint – Lack of a care plan

I would like to complain that my care coordinator, Joe Bloggs, has failed to complete a care plan with me. I feel that I have not had the services I am entitled to, and my health has deteriorated as a result.

## My difficulty getting a care plan

I started receiving help from your service in April 2020. Joe Bloggs became my care coordinator and since then, I have asked him to complete a care plan with me on the following occasions:

- **April 2020** – When I first started with the team,
- **May 2020** – On my second meeting with Mr Bloggs,
- **June 2020** – September 2020 – On every further meeting with Mr Bloggs,
- **October 2020** – I wrote to Mr Bloggs explaining that the lack of a care plan was affecting my health, but I did not receive a response.





I have enclosed a copy of the letter I sent to Mr Bloggs in October 2020.

I have still not had a care plan, and Mr Bloggs has said that I could be discharged from the team because I have not seen him recently.

As you will be aware, the Department for Health's 'Refocusing the Care Programme Approach' guidance says that I am entitled to a care plan when I am receiving help under the Care Programme Approach.

#### The effect on me

This situation has affected me in the following ways:

- [List the ways in which the situation has affected you for example my recovery from my illness has been set back]
- [List any other concerns depending on your situation]

#### What I would like

As a result of this complaint, I would like:

- [List what you would like for example an explanation of what my diagnosis means]
- [An apology]

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]

Advocacy is there to help you understand and/or go through the NHS complaint process.

Our Independent NHS Complaints Advocacy Services aim to provide different levels of advocacy input depending on needs.

When assessing the level of input required, we prioritise those with communication difficulties and additional needs.

Rethink Advocacy run a number of advocacy services across England providing advocacy under The Care Act, The Mental Health Act and the Mental Capacity Act.

Our advocacy services offer support to a wide range of people, including people with learning, physical and sensory disabilities, as well mental illness. An advocate is usually provided to people who have no one else to help them and who need support with issues related to care and support needs.

Many of our advocacy services also offer community, peer and citizen advocacy for people in the area. More details about services near you can be found on our website at [rethink.org](http://rethink.org)

# Rethink

## Advocacy

 [facebook.com/rethinkcharity](https://facebook.com/rethinkcharity)

 [twitter.com/rethink\\_](https://twitter.com/rethink_)

 [www.rethink.org](http://www.rethink.org)

Leading the way to a better quality of life for everyone severely affected by mental illness.

For further information on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)

[rethink.org](http://rethink.org)

