

COMPLAINTS

WHAT YOU NEED TO KNOW TO HELP YOU MAKE A COMPLAINT ABOUT

- HOSPITALS
 - GPs
 - DENTISTS
 - OPTICIANS
- PHARMACISTS
- OTHER HEALTHCARE PROFESSIONALS
- PRIVATE HEALTHCARE COMPLAINTS

- SUGGESTED COMPLAINT LETTER

- IF YOU HAVE TREATMENT ABROAD
- IF YOU NEED TO TAKE LEGAL ACTION

www.patients-association.com

Helpline: 0845 608 4455

Patients Association
PO Box 935,
Harrow, Middx. HA1 3YJ
Tel: 0208 423 9111 Fax: 0208 423 9119

INTRODUCTION

Patients do not choose to be patients. They trust that everyone who takes a part in their care will do their best. Most patients are happy with their care but sometimes things go wrong. Complaints happen and it is important that patients know what to do and when. This information is designed to help you take the right course of action towards a speedy resolution of what matters to you.

When you believe things have gone wrong, or care is not as it should be, it is always better to raise your concerns at the time they occur. If possible, point out to a member of staff what you think is wrong at the time it goes wrong. They may be unaware that there is a problem, and that it may affect not just you but other patients. It could be about your treatment, the surroundings in which you are receiving treatment (cleanliness for example) or something to do with your medical records. If you do not get a satisfactory response, take the matter up immediately with a more senior member of staff.

WRITE IT DOWN – names, dates, conversations, etc.
We cannot stress too highly how important this is. You may think you will remember but you probably will not.
For example, in clinical consultations, we forget 50% of what we are told within 5 minutes. So, make a note of what happened, when it happened, the reaction to your complaint and why you were not satisfied. This will undoubtedly help you at a future date to be sure of your facts. Resolving formal complaints may take some time, and your complaint will be assisted by any notes made at the time.

If you decide to make a formal complaint, think about what you want to happen as a result:

- do you want an apology
 - a change to the system
 - attention drawn to an individual member of NHS staff
- or
- is the complaint of such a nature that you believe legal action is the only answer?

Wherever your cause for complaint has happened your first step should be to ask for a copy of the relevant healthcare organisation's Complaints Procedure. This will enable you to know about individual variations and timescales.

CAN I COMPLAIN?

You have a right to complain about any aspect of NHS care but

- you must be, or have been, the patient concerned or
- have the agreement of the person on whose behalf you are complaining, and have their agreement to you seeing their medical records or
- you hold Power of Attorney for the patient on whose behalf you are complaining, entitling you to see their medical records.

HELP WITH YOUR COMPLAINT

The Patients Association is pleased to signpost patients to information and help via our

Helpline – 0845 608 4455
or email: helpline@patients-association.com

but, with regret, we are unable to pursue individual complaints on your behalf.

The following help is available free to patients depending on where their care took place:

ENGLAND

Patient Advice and Liaison Services (PALs) are available to offer advice on complaints procedures and may be able to resolve less serious matters informally. There is one in each Trust and PCT. If you wish to make a formal complaint you can seek help from the Independent Complaints Advocacy Service (ICAS). They are a statutory service, working independently of the NHS. They help patients to explore their options and allow them to choose how they wish to proceed with their complaint about NHS-funded healthcare. They can be contacted in your region via the following numbers:

London	0845 120 3784
South East	0845 600 8616
South West	0845 120 3782
West Midlands	0845 120 3748
East Midlands	0845 650 0088
North West	0845 120 3735
North East	0845 120 3732
Yorkshire & Humberside	0845 120 3734

Eastern (Cambridgeshire, Norfolk, Suffolk)	0845 456 1084
Eastern (Bedfordshire, Hertfordshire)	0845 456 1082
Eastern (Essex)	0845 456 1083

SCOTLAND

For independent advice and support contact your local citizens advice bureau. The address of your local office is available at www.cas.org.uk

Your local NHS board will also be able to give you information on help from an independent advocate if you need help making your complaint.

For further information about the NHS in Scotland: www.show.scot.nhs.uk or www.hris.org.uk (for health rights information only)

WALES

Community Health Councils exist to offer help and advice to patients and your local Council may be found at

www.patienthelp.wales.nhs.uk or by phone: 0845 644 7814. Each CHC has a Complaints Advocacy Service to assist with individual complaints.

For further information about the NHS in Wales: www.wales.nhs.uk

NORTHERN IRELAND

Health and Social Services Councils exist to offer help and advice www.nhssc.org In addition your local Citizens Advice Bureau can give advice and can be found at www.citizensadvice.co.uk

For further information about the NHS in Northern Ireland: www.hsni.net

Following devolution, not all elected representatives have responsibility for health matters. Complaints procedures may differ in different countries of the UK – England, Scotland, Wales, Northern Ireland. Health is now devolved from Westminster in Scotland, Wales and Northern Ireland. If you need such help from your elected representative, following your complaint, you should contact:

- in England – MP -Member of Parliament
- in Scotland – MSP -Member of the Scottish Parliament
- in Wales – AM – Assembly Member
- in Northern Ireland – MLA – Member of the Legislative Assembly

The names of the NHS organisations differ, too, depending on where you live. For example a Primary Care Trust in England is

called a Local Health Board in Wales. There is a division between these commissioners of services and hospital trusts providing the healthcare. In Northern Ireland health and social care are combined into Health and Social Care Boards. In Scotland, Health Boards are responsible for an integrated health service.

In England, Foundation Trusts are increasing in number. They may have their own complaints procedure and it may differ in detail from the advice given in this Guidance.

LEGAL ACTION

Do NOT use the NHS Complaints Procedure if you are taking legal action to get financial compensation. This is not available under the NHS system. Your NHS complaint will not proceed if legal action is underway.

If you are seeking financial compensation you need to take separate legal action and you should get advice from a specialist lawyer. The Law Society has a list of such lawyers who can advise you. Contact www.lawsociety.org.uk and on the Law Society's Find a Solicitor page you can enter your postcode plus the legal speciality "Clinical Negligence" and a list of specialist solicitors starting with the one nearest to you will appear. Alternatively you can telephone: 0870 606 2555. Outside the UK call: +44(0)1527 504450. Remember legal action can be lengthy and expensive.

ACCESS TO MEDICAL RECORDS

Under the Data Protection Act 1998 you have a right to access your medical records. There may be a fee payable for this, up to £50. Note that access may be denied if disclosure is likely to cause mental or physical harm to you or another person. For further information go to the FAQs on our website www.patients-association.com

TIME LIMITS

You must make your complaint within 6 months of the matter complained about, or within 6 months of becoming aware of the problem. There may be discretion to investigate after 6 months if special circumstances apply, for instance because of grief or

following an accident if that accident made it impossible for you to take action.

HOW NHS COMPLAINTS PROCEED

The NHS has 2 stages of investigation of a complaint:

Stage 1: Local Resolution – the aim is to resolve your complaint as quickly and close as possible to where things went wrong.

If it is about your GP or other member of the primary care team, contact the Practice Manager but see advice box below.

If it is about care in a hospital or clinic, talk to the staff member involved, or ask to speak to a senior member of staff.

If you want to make a formal complaint you can do so verbally to the Complaints Manager, who must make a written record, or by writing to the NHS organisation concerned. We recommend putting your complaint in writing (*see suggested letter of complaint below*).

Your letter must be acknowledged within 2-3 working days. If you do not receive this, contact the Complaints Manager again to check if your complaint has been received. Complaints about primary care should be answered within 10 working days. Complaints about hospital/secondary care should be answered within 25 working days. If investigation of your complaint is going to take longer, you should be kept informed.

IMPORTANT

We recognise that Local Resolution, may be unrealistic for some patients to pursue if it relates to their GP. The Patients Association advises patients to be aware that a complaint about GP services or staff may result in the GP taking the view that the doctor-patient relationship has 'broken down' and striking the patient off their list. GPs are independent contractors with the NHS and are allowed to take this action, although the Ombudsman's guidance states that GPs should not do so without first informing the patient of the reasons. Currently there is no appeals process from such a decision. The Patients Association believes this situation is wrong and a fundamental flaw in the NHS complaints procedure.

Stage 2: Referral to Health Ombudsman – this is the next stage if you remain unhappy with resolution of your complaint. Please note, however, that not all referrals will necessarily be accepted by the Ombudsman.

Depending on where the events occurred you should contact:

In England: 0845 015 4033 www.ombudsman.org.uk

In Scotland: 0800 377 7330 www.spsa.org.uk

In Wales: 0845 601 0987 www.ombudsman-wales.org.uk

In Northern Ireland: www.ni-ombudsman.org.uk

PROFESSIONAL FITNESS TO PRACTICE COMPLAINTS ABOUT CLINICIANS

Your complaint may be about the clinical care of a doctor or nurse or other healthcare professional. In each case there is a governing body to whom you can complain and ask that they deal with the professional member concerned. Depending on the complaint, this may or may not happen.

You may make a complaint in this way at the same time as you make a complaint under the NHS procedure above. It may be, however, that the professional regulatory body below will await the outcome of the NHS complaint before deciding whether or not to proceed.

To complain about a **doctor's** fitness to practice you should contact the General Medical Council. www.gmc-uk.org or telephone 0845 357 0022 to have an initial discussion.

To complain about a **nurse's** fitness to practice you should contact the Nursing and Midwifery Council. www.nmc-uk.org and follow the links for the devolved countries of the or telephone 020 7333 9333 for initial advice.

To complain about a **dentist's** fitness to practice, or other dental professional (e.g. nurse, hygienist, technician) you should contact the General Dental Council. www.gdc-uk.org or telephone the advice line 0845 222 4141.

Regulatory Bodies for other healthcare professionals:

Chiropractors
General Chiropractic Council
www.gcc-uk.org
0207 713 5155

Opticians
General Optical Council
www.optical.org
0207 580 3898

Osteopaths
General Osteopathic Council
www.osteopathy.org.uk
0207 357 6655

Pharmacists
Royal Pharmaceutical Society of Great Britain
www.rpsgb.org
0207 735 9141
In Northern Ireland: www.psni.org.uk

Other Health Professions – chiropodists, podiatrists, occupational therapists, paramedics, physiotherapists, radiographers, speech and language therapists, arts therapists, biomedical scientists, clinical scientists, dietitians, operating department practitioners, orthoptists, prosthetists and orthotists.
www.hpc-uk.org
0207 582 0866

The Council for Healthcare Regulatory Excellence exists to protect the public, promote best practice and encourage excellence among the above regulators. www.chre.org.uk

PRIVATE HEALTHCARE COMPLAINTS

If you wish to complain about private healthcare, you should ask the organisation/clinician treating you for their Complaints Procedure. The majority of private organisations are members of The Independent Healthcare Advisory Service (IHAS), which has a Code of Practice for Handling Patients' Complaints. The code covers:

- your private provider organisation, if a member of IHAS
- your clinician who provided treatment there (see also below)
- treatment provided to NHS patients there

It is important to note that the Code does not cover:

- independent practitioners in private practice e.g. GPs, dentists
- services provided on premises e.g. private consulting rooms not on the IHAS company's premises
- NHS treatment (even if provided in private bed in an NHS hospital)
- Suspension of a clinician (*see professional fitness to practice guidance above*)

As with the NHS, there are 3 stages of complaints resolution: Local Resolution, Internal Appeal, and Independent External Adjudication.

If your complaint is about a clinician, your complaint should be addressed both to the clinician concerned and to the hospital or clinic manager.

Include in your letter the details set out in the *suggested complaint letter below*.

For further information and a full copy of the guide 'Making a complaint in the independent sector' contact:
Independent Healthcare Advisory Services,
Centre Point,
103 New Oxford Street,
London, WC1A 1DU

www.independenthealthcare.org.uk or telephone: 0207 379 8598. The Patients Association supports the IHAS guide.

IF YOU DECIDE TO HAVE TREATMENT ABROAD

There are 2 main reasons for treatment abroad – delay waiting for NHS care and private, often cosmetic, treatment. If your care abroad is arranged by the NHS to avoid further delay, the NHS complaints procedure covers such treatment.

If you decide to have private treatment abroad you should be aware that the complaints procedures described above will not apply. It is important, therefore, that you take all precautions to ensure that the treatment you are having is being done as safely as possible by a clinician who is properly registered locally and trained to the appropriate standard.

It will be your responsibility to find out about aftercare, what you should expect, what may go wrong and how to manage your health if it does, and build in additional time while abroad to take account of all these possibilities.

IF YOU WRITE A COMPLAINT LETTER

- Get guidance and advice from the agencies which can help you.
(*see above*)
- Address it to Chief Executive of Trust or PCT. This can be found on the Trust or PCT's website, or local phone book.
- Make sure you put your name, address and daytime telephone number(s) in a prominent position in the letter and don't forget to sign it at the end.
- Keep to the facts and keep them as brief as possible.
- State what action you want taken to remedy your complaint.
- Do not copy it to other people at this stage e.g. your MP or other parliamentary representative, Department of Health etc. This will have the effect of reducing the impact of your letter and will not result in action being taken by the recipients. You may want to involve one or more of them later but you should write separately to them, with copies of the Trust/PCT's reply.
- Make sure you keep a copy of the letter you write.
- Don't forget to sign it!

IF YOU DECIDE AT ANY STAGE NOT TO CONTINUE WITH YOUR COMPLAINT AFTER YOU HAVE SENT YOUR LETTER, REMEMBER TO TELL THE NHS ORGANISATION CONCERNED SO THAT THEY DO NOT USE UP RESOURCES UNNECESSARILY.

SUGGESTED FORMAT FOR COMPLAINT LETTER

Date

Your full details

Name of Chief Executive
Trust/PCT
Address

Dear *name of chief executive*,

COMPLAINT

*Patient's name, Date of Birth, Address.
Patient's date of admission, ward name(s), Hospital
Consultant's name*

I write to make a formal complaint about the care given to me/*or state relationship to patient* while a patient on *Ward in ...name of hospital*. *I/patient's name* was admitted on *Date* and was a patient until *Date*.

The details of my complaint are as follows.
Write here a brief account of the details of the treatment or care about which you are complaining. Further information may be requested later.
If possible give the names of staff members involved, dates, any action you took at the time to put matters right and staff responses to that action.

Attach copies of originals of other relevant documents. Do not send originals.

I would like you to investigate these matters and I look forward to your early response. I would like the following action to be taken: *an apology/investigation/change of procedure, etc.*

SIGNATURE, *and relationship to patient if necessary.*

-END-

The Patients Association makes every effort to ensure this information is accurate. However the Patients Association takes no responsibility for errors and/or omissions in this Complaints Guidance

The Patients Association would be glad to have your comments on this Complaints Guidance, and on how helpful you find it:
Mailbox@patients-association.com

The Patients Association would also be glad to know how the information given here matches the reality for patients in all parts of the United Kingdom.