

# Frequently Asked Questions about NHS Complaints

## Who can complain?

Anyone who is receiving, or has received NHS treatment or services can complain. If you are unable to complain yourself then someone else, usually a relative or close friend, can complain for you.

## Why complain?

It is important for NHS staff to know your experience of their care. If you are unhappy and let someone know, they can find out what happened and try to make changes which will improve the NHS and prevent further problems happening to other patients.

If something goes wrong, making a complaint can result in an explanation of what happened and possibly an apology. You have the right to complain about NHS services and you should expect a full and prompt reply.

## Is there a time limit during which I must make my complaint?

Yes. At the moment you should make your complaint within six months of the incident happening or from when you realised you had cause for complaint. If you have been very ill, or distressed because someone you loved has died, that time limit may be extended to one year.

If you make your complaint outside the time limit, the NHS Trust may agree to investigate it informally.

## What happens if I complain about something that is happening to me or my relative/friend now?

If you or your family member or friend are having problems with your NHS service now, it may be more appropriate to ask your local Patient Advice and Liaison Service to help you. There is a PALS service in every Trust which should be easily accessible either by asking someone on the ward or department you are in, or through the hospital switchboard. You may see posters about the PALS service around the hospital or community clinic.

## What can the PALS service do for me?

The PALS service can provide support and information to patients, carers and the public who are involved with that Trust. PALS do not deal with complaints, but they must be familiar with the local support services for complainants and provide information about the complaints process if required. The aim is to act as negotiator and conciliator between staff and patients/carers so that both sides are content.

PALS can support families where there has been a bereavement, helping to set up meetings with staff to discover the cause of death or the provision of explanations to find out why care was given in the way in which it was.

PALS can act as "the patient's friend", going with them to outpatient appointments and acting as an advocate or putting them in touch with local advocacy services if there is a need for long term support.

## What if I want to make a complaint straight away?

If you're not happy with something that has happened to you or someone close to you, the first person to approach is the person providing the service and tell them you are not satisfied. It may be they will be able to resolve your complaint immediately, but if not, they should tell you who to make your formal complaint to. There will be a Complaints Department within every Trust (sometimes they have different titles, like Customer Care or Patient Liaison). They should make a note of your complaint or ask you to send in a written letter explaining what you are unhappy about.

## What if I need help with my complaint?

If you live in England, there is an organisation called the Independent Complaints Advocacy Service (ICAS). They provide a two tier system of ICAS support. Since April 1 2006, the service now has two distinct but complimentary models of service delivery, dependent on client need:

1. Self advocacy model – designed to empower those clients who want and are able to raise their own concerns:
  - Information and support via local rate telephone numbers, staffed by advocates, with opening times extended to include Thursday evenings
  - Support via any form of written correspondence (fax, e-mail, letter)
  - Support via specially designed Self Help Information which is available in hard copy, from the web and is reproduced in all of the major community languages
  - ‘Third party’, professional support for other advocacy, support or advice workers already supporting clients with complex needs locally
2. Supported advocacy model – designed to empower and support those clients with more complex needs:
  - With resources directed towards the most disadvantaged and vulnerable groups in each region, this model will ensure clients with more complex needs have access to specialist advocates who can support them through the complaints process.

If you live in **Wales**, the Complaints Advocacy Officer from your local Community Health Council will help you your nearest Community Health Council can be found at [www.wales.nhs.uk](http://www.wales.nhs.uk)

If you live in **Scotland**, your local Citizen’s Advice Bureau will support you in making a complaint.

A leaflet about making a complaint in Scotland can be downloaded from [www.scotconsumer.org.uk](http://www.scotconsumer.org.uk)

## How long will it take for my complaint to be answered?

You should receive an acknowledgement to your letter of complaint within two working days from its receipt. You may then be asked to confirm the main areas of the complaint to be investigated. The Trust should investigate your complaint and respond to you within twenty working days, but this is not always possible. The Trust should tell you if there will be delays and should provide reasonable explanations about the cause (e.g. if a senior person has gone on holiday or is ill.) If you feel that the Trust is taking an unreasonably long time to answer your complaint (e.g. several months) you can lodge a separate complaint about the delay and failure to respond to you within an agreed timescale. If the Trust takes longer than six months, you can complain to the Healthcare Commission

## How will my complaint be answered?

Most complaints are answered in a letter from the Chief Executive of the Trust or the senior investigating manager. It may be thought helpful to ask you to attend a meeting with appropriate senior staff so that the people who are investigating the complaint can be sure that they have completely understood the entirety of your complaint. This may happen before you receive a response or you may be asked if you would like a meeting to discuss the response after you have received it.

## What if I am unhappy with the first response?

You can ask for a more senior manager to investigate the complaint further under Local Resolution if you do not feel that the Trust has provided an adequate response. You can also ask to meet with specific members of staff if you feel this would be helpful to you.

## What if I feel that the Trust isn’t taking my complaint seriously?

Ask the Trust to explain to you how they have investigated the complaint. If your complaint has come about because a serious untoward incident has occurred (this is where someone has died or been hurt) the Trust should have used an investigative technique called Root Cause Analysis. You can ask the Trust if they have done this and if you can have a copy of the report. You could also ask to see the Incident Report Form or any risk management forms that were filled out at the time of the incident.

### What can I achieve through making a complaint?

You should receive an explanation from the Trust telling you what happened. If the Trust explains things in a way you do not understand you can ask them to do it again in a form you can understand. You should receive an apology if something has gone wrong and the Trust should tell you how they are going to make changes to policies or procedures to stop it happening again. You will not be told the outcome of any disciplinary procedures as this information is confidential between the member of staff and their employer.

### What happens to my complaint if the actions of a member of staff are being investigated?

At the moment, if your complaint necessitates an investigation under disciplinary procedures or by the police, the complaint investigation will be suspended until those investigations are complete.

### What happens if I am not happy with the Trust's response and they tell me that Local Resolution has ended?

Within two months of receiving the last Local Resolution letter, you can ask the Healthcare Commission to review how the Trust has handled the complaint and to consider setting up an Independent Review Panel. The Commission will appoint a Case Manager, who will review your original complaint and decide whether it needs further investigation. They can ask the Trust to investigate further under Local Resolution or they may tell you they think that your complaint has been sufficiently investigated. They can also agree to set up an Independent Review Panel to consider your complaint further. If you are unhappy at being denied an Independent Review, you can appeal this decision by writing to the Health Service Ombudsman. The Ombudsman will only look at the process of consideration of the request for the Independent Review, they will not consider the merits of the complaint at this stage.

### What happens at the Independent Review?

You will be asked to explain to the panel why you are still unhappy. You can ask for an ICAS Complaints Officer or a friend to go with you to the meeting and to speak on your behalf if you do not feel able to do it yourself. The panel will then interview members of staff involved in the complaint and will take advice from their clinical experts and come to a decision. After the panel hearing, you may be asked to check the report of what you said for factual accuracy. The panel have to produce their final report and send it to you within a month of the hearing. The report will include statements of fact and the panel's comments and recommendations.

### What happens after an Independent Review?

The Chief Executive of the Trust will write to you and tell you what action they are now going to take. If there are timescales involved in the proposed changes, the Chief Executive should write to you again and update you.

### What do I do if I'm not happy with the Independent Review Report?

You can write to the Health Service Commissioner and ask them to investigate your complaint. Your request will be sent to a screening unit and they will let you know within a short time whether or not they will take your complaint on.

### What if I want to complain about a specific professional?

Professionals can be reported to their licensing body for unprofessional contact. NB: If someone alleges sexual misconduct against a professional practitioner, they are expected to produce evidence such as birthday and Christmas cards, photographs of the person and practitioner together, details of gifts, letters and other personal items. If someone alleges rape by a practitioner and has not registered the matter with the police at the time for whatever reason, they may not be taken seriously. They will also be expected to describe the practitioner's physical appearance intimately.

If an issue is brought to your attention that looks as if the doctor or nurse is practicing in an unsafe manner and is a danger to their patients, this should be discussed either with the Chief Executive or senior clinician of either the employing Trust or the contracting PCT. They have a responsibility for the conduct to be considered under their local Fitness to Practice procedures and they can refer the matter to the professional body for immediate suspension from the register. (This can happen quite quickly.)

Complaints about doctors should be made to the General Medical Council. Information can be found on [www.gmc-uk.org](http://www.gmc-uk.org)

It used to be that the GMC had no time limit for the investigation of complaints about doctors. This has recently changed and they are now saying the complaint should be lodged as soon as possible and otherwise within 5 years. They will not consider complaints that are currently within the NHS complaints procedure until that procedure is completed. If in doubt, contact the Conduct/Fitness to Practice Division for an informal chat, they are usually quite helpful. Cumulative complaints about an individual practitioner can be brought under the Fitness to Practice procedures and are considered relatively quickly. There is no guarantee that such evidence will result in suspension or deregistration.

Complaints about nurses, health visitors and midwives should be made to the Nursing and Midwifery Council. [www.nmc-uk.org](http://www.nmc-uk.org)

They will not consider complaints which have not been through a disciplinary hearing at a Trust (they don't tell you this) and their timescales are appalling. A nurse who is struck off the register can still be employed as an auxiliary nurse, HCA or nursing assistant. Warning notices can be sent throughout the NHS and Social Care sector, but this does not preclude the private sector from employing them.

Complaints against Dentists can be made to the General Dental Council. [www.gdc-uk.org](http://www.gdc-uk.org)  
Helpful details on how to complain can be found on this site.

The Government encourages all professionals to be self regulating. Complaints about Professions Allied to Medicine (chiropractors, physiotherapists, occupational therapists, speech and language therapists, audiometrists etc) should be sent to the Health Professions Council [www.hpc-uk.org](http://www.hpc-uk.org)  
The General Social Care Council regulates social workers. [www.gsc.org.uk](http://www.gsc.org.uk)

Chiropractors, Osteopaths, Practitioners in Herbal Medicine, Counselors, all have their registering and governing bodies  
Useful websites are given below:

General Chiropractic Council  
[www.gcc-uk.org](http://www.gcc-uk.org)

General Osteopathic Council  
[www.osteopathy.org.uk](http://www.osteopathy.org.uk)

British Association for Counselling and Psychotherapy  
[www.bacp.co.uk](http://www.bacp.co.uk)

National Institute of Medical Herbalists  
[www.nimh.org.uk](http://www.nimh.org.uk)

## Useful Contacts

### Healthcare Commission

FREEPOST LON 15399

London

EC1B 1QW

[www.healthcarecommission.org.uk](http://www.healthcarecommission.org.uk)

Complaints Helpline: 0845 601 3012

The Healthcare Commission will cease to exist in October 2008

### Health Service Ombudsman

Millbank Tower

London

SW1P 4QP

Tel: 0845 015 4033

Website [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### ICAS

ICAS is a government-funded service which provides free, independent and confidential advice to patients or carers who wish to pursue a complaint about NHS treatment or care.

### Carers Federation ICAS

[www.carersfederation.co.uk](http://www.carersfederation.co.uk)

Tel: 0845 650 0088

[info@carersfederation.co.uk](mailto:info@carersfederation.co.uk)

The Carers Federation provide ICAS in:

- The East Midlands Tel: 0845 650 0088
- The North East Tel: 0845 120 3732
- The North West Tel: 0845 120 3735
- Yorkshire & Humberside Tel: 0845 120 3734

## Pohwer ICAS

[www.pohwer.net](http://www.pohwer.net)

Pohwer provide ICAS in:

- London
- The West Midlands
- The East of England

## London

North Central Tel: 0845 120 3784

North East Tel: 0845 337 3059

North West Tel: 0845 337 3065

South East Tel: 0845 337 3061

South West Tel: 0845 337 3063

## West Midlands

Birmingham & the Black Country Tel: 0845 120 3748

Shropshire & Staffordshire Tel: 0845 337 3054

Coventry, Warwickshire, Herefordshire & Worcestershire Tel:  
0845 337 3056

## The East of England

Hertfordshire and Bedfordshire Tel: 0845 456 1082

Essex Tel: 0845 456 1083

Cambridgeshire, Norfolk and Suffolk Tel: 0845 456 1084

## Prison ICAS

Tel: 0845 456 4214

## The South of England Advocacy Projects (SEAP) ICAS

[www.seap.org.uk](http://www.seap.org.uk)

Tel: 01424 718075

The south of England Advocacy Projects (SEAP) provide ICAS in:

- The South East Tel: 0845 120 3782
- The South West Tel: 0845 600 8616

## Patient Advice and Liaison Service

To find the appropriate PALS Service go to [www.pals.nhs.uk](http://www.pals.nhs.uk) and search their database for your local hospital or Primary Care Trust. There are also PALS in the community and mental Health services who are there to help and support you. They can also put you in touch with your local ICAS service.

If you live in Wales, you can contact your local Community Health Council

If you live in Scotland, you can contact your local Citizens Advice Bureau

If you require further guidance, please do not hesitate to contact:

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