

NHS Complaints System

The current NHS complaints system came into force in April 2009. The NHS Constitution explains your rights in respect of complaints but in summary you have the right to:

- have your complaint dealt with efficiently and properly investigated
- know the outcome of any investigation into your complaint
- take your complaint to the independent Parliamentary and Health Service Ombudsman if you're not satisfied with the way the NHS has dealt with your complaint
- make a claim for judicial review if you think you've been directly affected by an unlawful act or decision of an NHS body
- receive compensation if you've been harmed

The NHS also commits:

- to ensure you are treated with courtesy and you receive appropriate support throughout the handling of a complaint; and the fact that you have complained will not adversely affect your future treatment (pledge)
- when mistakes happen, to acknowledge them, apologise, explain what went wrong and put things right quickly and effectively (pledge); and
- to ensure that the organisation learns lessons from complaints and claims and uses these to improve NHS services (pledge).

There are two stages in the NHS complaints procedure; **local resolution** and the **Parliamentary and Health Service Ombudsman**.

- **Local resolution:** after first contacting your local Primary Care Trust, hospital or surgery and asking for its Complaints Procedure, you should bring the matter up with the person concerned, ie the nurse or GP, either in writing or by speaking to them. (We would suggest in writing as then you have a piece of evidence that may be needed later).
- **Parliamentary and Health Service Ombudsman:** if you are still unhappy, you can refer the matter to the Parliamentary and Health Service Ombudsman. Their website has interactive pages to guide you through the process:
<http://www.ombudsman.org.uk/make-a-complaint/how-to-complain>

If you need help in making your complaint there are organisations that can provide this:

Patient Advice and Liaison Service (PALS)

You can find details of your local PALS in your local doctor's surgery and hospital. Their advice is confidential and they offer information and support on any health-related matter. Their contact details are on their website: <http://www.pals.nhs.uk/default.aspx>

Independent Complaints Advocacy Service (ICAS)

ICAS is a free, independent advocacy service that can help you make a complaint about any aspect of your NHS care or treatment. This includes treatment in a private hospital or care home that is funded by the NHS.

However, they cannot help you if your case has already gone to the Parliamentary and Health Service Ombudsman so think carefully before you go to that stage of the complaints system.

The ICAS service is delivered by three different organizations depending on where you live in the UK:

South West, South Central and South East of England is delivered by Support, Empower, Advocate, Promote (SEAP).

For their information about NHS Complaints go to: <http://www.seap.org.uk/services/nhs-complaints-advocacy/> See below the contacts for all the SEAP areas:

SEAP Hastings	03304 409000	hastings.office@seap.org.uk
SEAP Berkshire	01189 754517	berkshire@seap.org.uk
SEAP Basingstone	03304 409001	basingstoke.office@seap.org.uk
SEAP Broadmoor	01344 754598	broadmoor.office@seap.org.uk
SEAP Oxfordshire and Buckinghamshire	01865 728981	oxford.office@seap.org.uk
SEAP Trowbridge	03304 409002	trowbridge.office@seap.org.uk
SEAP Liskeard/Plymouth	03304 409003	liskeard.office@seap.org.uk
SEAP Portsmouth	02392 837777	portsmouth@seap.org.uk
SEAP Plymouth	03304 409003	liskeard.office@seap.org.uk

East Midlands, North East, North West, Yorkshire & Humberside is delivered by The Carers Federation.

For their information about NHS Complaints go to: <http://www.carersfederation.org.uk/>

The following areas can be contacted on: 08088 023000

East Midlands - Nottingham
East Midlands - Leicester
East Midlands – Lincoln
North East – Newton Aycliffe
North East – Newcastle
North West – Penrith
North West - Liverpool
North West - Manchester
North West – Preston
Yorkshire & Humberside – Rotherham
Yorkshire & Humberside – Hull
Yorkshire & Humberside - Leeds

London, The West Midlands, The East Of England is delivered by People of Hertfordshire Want Equal Rights (POhWER).

For their information about NHS Complaints go to: http://www.pohwer.net/about_us/contact_us.html

The following areas can be contacted on: 03004 562370

Birmingham and the Black Country
Cambridgeshire, Norfolk and Suffolk
Coventry, Warwickshire and Worcestershire
Essex
Hertfordshire and Bedfordshire
North London
Shropshire and Staffordshire

Citizens Advice Bureau (CAB)

Your local CAB will be able to offer support and advice on how to complain. Information on NHS Healthcare can be found at: http://www.adviceguide.org.uk/england/healthcare_e.htm

For their on-line advice guide on NHS complaints go to: <http://goo.gl/NBTIZ> or telephone them:

- For **Wales** call 08444 772020
- For **England** call 08444 111444.
- For **TextRelay** users call 08444 111445

For **Northern Ireland** go to www.citizensadvice.co.uk

For **Scotland** please go to www.cas.org.uk

NHS Direct

NHS Direct can advise on NHS complaints. Their website is: www.nhsdirect.direct.uk or telephone them on 0845 4647.

Public Law Project

The Public Law Project is an independent, national, legal charity which aims to improve access to public law remedies for those whose access is restricted by poverty, discrimination or other similar barriers. They have some excellent information leaflets on complaints, which include:

Guide to complaints to the Ombudsman:

http://www.publiclawproject.org.uk/data/resources/115/PLP_2006_How_to_Complain_to_Ombudsman.pdf

Making an Effective Complaint to a Public Body:

http://www.publiclawproject.org.uk/data/resources/5/PLP_Short_Guide-2_1304.pdf

NHS Choices

The NHS Choices website has an explanation about how to complain, plus some handy tips:

- If you decide to make a complaint it's important to consider what you want to happen. Are you content with an apology, do you want action to be taken against a member of staff, or do you want a change to the system? Whatever action you're seeking, make this clear.
- Before you make your complaint, make a note of the relevant events, dates, times, names and conversations, and include all necessary details. Your notes will also help you to remember all the details in the future. Processing a complaint can take a while, and you might be asked to verify some information at a later stage.
- Whether you decide to complain orally or in writing, try to make your explanations as short and clear as possible. Focus on the main issues, and leave out irrelevant details. If you can, talk through what you want to say with someone else, or ask them to read what you've written before you send it. If you complain in writing, keep a copy of everything you post, and make a note of when you sent it.

To visit this section of their website go to:

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/complaints/Pages/NHScomplaints.aspx>

If you want to see how the doctors are helped to deal with complaints properly, take a look at the Department of Health website page - **Listening, responding, improving: a guide to better customer care:**

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_095408

Doctors have set time limits in which to respond (three days in most cases) and they have to monitor and record all complaints. They also have to write an annual report about the number of complaints, the subject matter of the complaints and any matters where action has been or is to be taken to improve services as a consequence of those complaints. Under the Freedom of Information Act, we may be able to find out exactly how many complaints have been made about the treatment of thyroid disease and exactly how they are dealing with it.

You can see the piece of law on which the complaints system is based by going to:

http://www.opsi.gov.uk/si/si2009/uksi_200903s09_en_1

The original Department of Health Consultation Paper – **Making Experiences Count: A new approach to responding to complaints** can be found at:

http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_075688.pdf

If anyone has recently gone through the system, please do let us know how you got on!

Habitual Complaints Procedures

The majority of people probably don't realise that most NHS Trusts and PCT's have a procedure for dealing with people who keep writing to them about the same complaint. Each NHS Trust has its own Habitual Complaints Procedure but they all have very similar criteria which include things such as:

- Persistent pursuing of complaints when the NHS procedure has been properly implemented and exhausted.
- Failure to clearly identify the issues to be investigated despite reasonable efforts of Trust staff.
- Unwillingness to accept documented evidence of treatment given as being factual.
- Continually changing the substance of a complaint, raising new issues; or seeking to prolong contact by raising further concerns or questions upon receipt of a response whilst the complaint is being addressed. (Care must be taken not to discard new issues)
- Focusing on a trivial matter to an extent that is out of proportion to its significance and continuing to focus on this point.
- Having an excessive number of contacts with the Trust in the course of addressing a registered complaint, so placing unreasonable demands on staff.
- Displaying unreasonable demands or patient/complainant expectations and failing to accept that these may be unreasonable.

When a Trust deems a patient to be a habitual complainant, they will send warning letters first and if the patient continues to complain, they will then refuse to engage in any further contact with the complainant.

Although Thyroid UK urges you to complain about bad treatment, you do need to be aware of this procedure!