



# Guide to making a complaint about an NHS service



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Healthwatch Lewisham  
[www.healthwatchlewisham.co.uk](http://www.healthwatchlewisham.co.uk)



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# Summary of the NHS complaints procedure

## Time limits: when can you complain?

- Within 12 months of the event
- Within 12 months of you realising that you have something to complain about.

## What can I complain about?

Any aspect of your interaction with an NHS organisation including for example

- Treatment or care
- Staff attitudes
- Poor communication
- Failure to diagnose
- Waiting times.

## How to complain

- By telephone
- In person
- By letter or email.

## Who to?

- GP surgery - the practice manager or head of practice
- Hospital or ambulance trust - the chief executive
- Dental or optician practices - main partner, head of practice or customer care manager.

## What do I say?

Explain

- Where the event(s) happened e.g. Anytown Surgery
- When it happened - give exact dates if possible
- Who was involved e.g. Dr John Smith, Nurse Jane White, if known
- What are the details of what happened
- What outcome are you hoping for e.g. answers to questions, explanation, apology, changes to processes, training etc as appropriate

## Hearing back: what you should expect

- An acknowledgment, between 3 and 10 days after they have received your complaint
- A suggested date for completion of the investigation or
- An offer to agree a date with you for investigation completion
- The name of someone for you to contact about the complaint.

## At the end of the investigation: what you should receive

- A final letter of response
- Answers, explanation, apology, changes to processes, training etc as appropriate.

## Not happy with the final response?

- You can request a local resolution meeting with the professionals/clinicians concerned
- Write or contact them again specifying what you are not happy with.

## Still not happy?

The final stage of the complaints process is the Parliamentary Healthcare Service Ombudsman (PHSO) who can look at how your complaint was investigated.

## What the procedure cannot help you do

You cannot

- claim compensation for medical negligence - you will need a solicitor to do that
- get an NHS employee disciplined - contact the relevant professional body, e.g. General Medical Council (GMC).
- complain about private medical treatment unless it was commissioned by the NHS.

# The NHS Complaints Procedure in detail

## Why complain and who to

Everyone who uses the NHS has a **right to complain** if they feel

- something has gone wrong
- they have been refused a service
- they have not received an acceptable level of service.

You can

- complain
- have your complaint investigated
- receive a full and prompt reply from the NHS body concerned.

You can complain about any service provided or funded by NHS including

- GPs
- hospitals
- pharmacies
- opticians
- dentists
- ambulance service.

You can also complain about NHS-funded nursing home care or home-based care packages.

## Patient Advice and Liaison Service (PALS)

For an issue that is ongoing, for example a problem with the care of a patient, contact the PALS team or practice manager at the organisation concerned immediately and request that they help you to resolve things. The NHS Complaints Procedure is not a 'quick fix' and therefore unsuitable for concerns in need of urgent attention.

## Stage 1: Local resolution - contacting the organisation

Local resolution is your opportunity to try to sort out your problem directly with the NHS organisation and for them to learn from your experiences to improve local services.

Firstly raise your concerns in writing (letter or email) or verbally (phone or in person) to

- the practice manager (GPs, opticians, dentists)
- Chief Executive Officer (hospital trusts, ambulance service, clinical commissioning group).

Ask the organisation for its complaints procedure or look for it online.

It is important to raise everything that you are unhappy about at the beginning as new issues cannot be introduced later as part of the same complaint. Keep a record of telephone calls you make and copies of letters you write or receive about your complaint.

For complaints about more than one NHS organisation, you can send a letter to the main organisation complained about - they will liaise with the other organisation(s) involved and provide a co-ordinated response.

Alternatively you can raise matters with the commissioners

- NHS England for GP, dental, pharmacy and optical services
- NHS Lewisham Clinical Commissioning Group

(see **Contact addresses** on page 11 for details).

Lewisham Clinical Commissioning Group is a group that all local GPs belong to. They are responsible for buying or commissioning

- non-emergency care in local hospitals
- ambulance services
- out-of-hours GP services, except where this responsibility is still with your local GP
- community health services such as speech therapy and wheelchair services
- maternity and new-born services
- mental health services
- NHS continuing care.

### Are there time limits for making a complaint?

You should make your complaint within

- twelve months of the incident happening or
- within twelve months of you realising that you have something to complain about.

The NHS can use its discretion to look at issues that are beyond these timescales. For example if you were too ill to make the complaint straight away the NHS will consider if it is still possible to investigate the complaint effectively and fairly.

### What to say

Writing a letter is your opportunity to say

- what happened
- where it happened
- who was involved
- how it has affected you, the patient, family etc
- what you expect from bringing the complaint.

### Your outcome expectations

It is important to be clear about what you are expecting from the organisation but that it is achievable and realistic. For example you might want more detailed information about the event.

### What will happen next?

Resolving your concerns may take time but you should expect

- **an acknowledgement** of your complaint either verbally or in writing within three working days.
- an **offer to contact you** to discuss your complaint and arrange a plan to resolve your concerns with you
- **an agreed timescale** for investigating the issues and how they will keep you informed of progress
- an agreement to contact you before the timescale expires should the organisation need more time to investigate.

### After the investigation

The organisation's final response letter will summarise the issues and give you

- a summary of your complaint
- what the investigation found and any actions to be taken as a result
- what to do if you are still unhappy with the answers given.

Depending on the investigation the letter may contain information regarding

- an apology
- what actions will be taken and when, as a result of your complaint
- who is responsible for those actions
- what steps have been taken to prevent the same thing happening to other people.

It should be

- balanced, factual and impartial
- clear and easy to understand.

If you haven't received this letter within the timescale agreed in the plan, you can check with them when you can expect it.

If you have not received a full response within 6 months of having made your complaint, and you have not agreed a longer time scale for resolution, you can refer it to the Parliamentary Health Service Ombudsman (PHSO) at that stage. The PHSO can then advise you further.

### Local resolution meetings

You may be offered a meeting to discuss your complaint further and speak to staff directly - this is called a **local resolution meeting**. You can take a friend, relative and/or advocate with you for support.

Sometimes the NHS uses conciliation or mediation services. A conciliator/mediator is a neutral and independent person who can arrange a meeting with you and those involved (either separately or together) so you can all express your views and try to resolve your differences.

Prepare a list of questions and bring it with you. Try to keep these questions clear and concise. Take relevant paperwork with you. There may be a time limit on the meeting so prioritise your questions.

Minutes or a recording of the meeting should be taken and a copy offered to you. You may be asked to sign a consent form for recordings.

Many complaints can be resolved at these meetings and they are a good forum for you to be able to convey exactly what it is that you are unhappy about and what you feel should be done. For advocacy support at a local resolution meeting, Healthwatch Lewisham can provide an advocate to attend with you. Please call **020 8690 5012** for more details.

### Not happy having a meeting?

You are not obliged to have a local resolution meeting but it is often the best way to get things resolved. There are many reasons why people choose not to meet. You still have the option of writing again to the organisation detailing the specific issues you disagree with in their final letter of response. There are no set timescales for second responses; you should however be given a date by which a reply will be received.

### What if I am not happy at the end of local resolution?

If you are not satisfied with the replies and any meeting, ask yourself exactly what you are still unhappy with so you can decide what to do next, it may help to review

- letters
- meeting outcomes
- any conciliation or mediation process; whether the plan you agreed was followed

- whether parts of your complaint have yet to be answered
- whether you feel evidence you gave was not properly considered
- whether you have achieved the outcome you wanted
- what more, if anything, could have been done to achieve the outcome
- whether the organisation has followed the Ombudsman's good complaints handling principles.

The NHS organisation you are complaining about may feel that everything has been done to answer your complaint and if so, they should advise you of that in writing.

**This is the end of local resolution.**

## Stage 2: Parliamentary and Health Service Ombudsman

You have the right to refer your complaint and organisation's response to the Parliamentary and Health Service Ombudsman (PHSO), should you remain unsatisfied. The PHSO is independent of the NHS, free and confidential.

The PHSO will expect you to have completed the local (Stage 1) process before considering your complaint.

### The role of the PHSO

The PHSO's function is to assess, review and, where it believes necessary, investigate complaints fairly and independently; it is not part of the NHS.

The PHSO will not investigate every complaint. It will not investigate a complaint just because you disagree with the view that the NHS organisation has taken about your complaint. You must show that the decision was wrong or unacceptable in some way. Copies of supporting documents should be sent to the PHSO with your complaint. You can do this by post or email.

### Timescales and investigation decisions

The PHSO will only consider complaints within a 12-month limit except in exceptional circumstances where there is good reason for doing so, for example if you have only recently realised the effect of something that happened more than 12 months ago. Delays in referring complaints to the PHSO should be avoided if possible.

Once you have submitted your PHSO form and paperwork, you should expect an acknowledgement of receipt within 5 working days.

The decision as to whether or not a case will be investigated takes about 20 days. The PHSO will write to you to inform you of this and provide reasons as to why your complaint will not be investigated.

### Case managers and investigation

A case manager will be allocated once an investigation decision has been made. The case manager should keep you regularly informed of complaint investigation progress. The case manager can request documents from the organisation complained of as well as considering any documents that you have provided. They may also want to speak to you.

### Decisions

Once the investigation is concluded, the case manager will write a detailed report setting out the findings. The report will specify each point of your complaint as to whether or not it has been upheld, partially upheld or not upheld. The reasons will be given in the report.



Where the PHSO upholds or partially upholds a complaint it may make recommendations to the NHS organisation and give a specific time frame. It cannot force an organisation to carry out its recommendations but most organisations comply with recommendations made.

For complaints not upheld, and you remain unhappy, the PHSO has an external review process. This can take up to 16 weeks. Once the review process ends there is no further avenue for complaint within the NHS complaints process. If you wish to make a further challenge at that stage you will have to take legal advice.

### **Parliamentary and Health Service Ombudsman**

**Citygate**

**Mosley Street**

**Manchester**

**M2 3HQ**

**Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)**

**Tel: 0345 015 4033**

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

## About the Healthwatch Independent NHS Complaints Advocacy Service

The Healthwatch Lewisham Independent NHS Complaints Advocacy Service can

- Support you to make your complaint
- Provide you with self-help tools to help you make your complaint
- Listen to your concerns
- Explain the NHS complaints procedure and provide you with information about how best to make your complaint
- Provide an advocate to support you through the complaint should you feel that you are unable to make the complaint yourself
- Signpost you to other services if we are unable to give you the help that you need.

The NHS Complaints Advocacy Service cannot

- advise you about clinical negligence claims
- investigate your complaint - this can only be done by the organisation you are complaining about or the PHSO
- deal with disciplining professionals, complaints about privately funded care, or contractual disputes
- Provide counselling or medical advice.

### More about the NHS complaints procedure

To find out more about the NHS complaints procedure search for The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 online.

You can find more information about the process from NHS Choices at this website

[www.nhs.uk/NHSEngland/complaints-and-feedback/Pages/nhs-complaints.aspx](http://www.nhs.uk/NHSEngland/complaints-and-feedback/Pages/nhs-complaints.aspx)

## Contact addresses

NHS England has set up a system for dealing with complaints about primary care services such as GPs and dentists, which can be contacted on the following:

**NHS England**  
PO Box 16738  
Redditch  
B97 9PT  
Tel 0300 311 2233  
Email: [england.contactus@nhs.net](mailto:england.contactus@nhs.net)

Clinical Commissioning groups oversee the commissioning of what is called secondary care such as hospital treatment and some community based services.

**NHS Lewisham Clinical Commissioning Group**  
Cantilever House  
Eltham Road  
London SE12 8RN  
Tel 020 7206 3200

**Healthwatch Lewisham**  
Waldram Place  
Forest Hill  
London  
SE23 2LB  
Tel 020 3886 0196

## NHS constitution

The NHS constitution explains your rights when it comes to making a complaint - see:

[www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx](http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Pages/Overview.aspx)

One of the key aims of the Constitution is to set out clearly what patients and the public can expect from the NHS. 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](#)<sup>1</sup> if you're not satisfied with the way the NHS has dealt with your complaint.

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<sup>1</sup> [www.ombudsman.org.uk/](http://www.ombudsman.org.uk/)

## Important points to remember

Remember that if you are concerned about something that is ongoing with healthcare or health services; raise that issue as soon as possible with the organisation or person concerned. You can speak to the Patient Advice and Liaison Service (PALS) or complaints/practice manager for that organisation.

For more information about anything in this guide please call Healthwatch Lewisham on **020 3886 0196**.

For help writing letters use our self-help tools from our website

- Template letter, complaint for self
- Template letter, complaint for someone else.

All information about making a complaint can be found on our website, along with links to

- NHS organisations
- Patient Advice and Liaison Services.

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

## Complaints about individual professionals

For complaints about a medical professional's fitness to practice contact

- The General Medical Council (GMC) who regulate doctors  
[www.gmc-uk.org](http://www.gmc-uk.org)
- The Nursing and Midwifery Council (NMC) who regulate nurses and midwives  
[www.nmc.org.uk](http://www.nmc.org.uk)
- The General Dental Council (GDC) who regulate dentists  
[www.gdc-uk.org](http://www.gdc-uk.org)

## Complaints about social care services

Complaints about social care provided by the local authority cannot be dealt with by Healthwatch Lewisham's Independent NHS Complaints Advocacy Service. Please go to <https://lewisham.gov.uk/mayorandcouncil/complaints-and-feedback/adult-social-care-complaints-procedure>

You can call Lewisham Council's Adult Social Care Advice and Information Team on **020 8314 6131**

We can provide information about the complaints route for such services - please call Healthwatch Lewisham on **020 3886 0196**.

## About Healthwatch Lewisham

Healthwatch Lewisham is the local independent consumer champion for health and social care in the borough. Our job is to give all those who use health and social care services in Lewisham a voice.

## Other Healthwatch Lewisham work

Healthwatch Lewisham is the eyes and ears on local NHS and social care services in order to take the feedback and views of local people to those who plan and manage services.

This means we gather information from local people in order to look for patterns that show

there may be a bigger problem with a service which Healthwatch should look at further. The topics of individual complaints we hear about through our advocacy work may help to form part of this picture. We can for example see which services and areas of services are subjects of complaints and match this information with other feedback we are gathering.

Contractual matters and consultations about service changes fall outside the NHS complaints process and Healthwatch advocacy support but are not outside of the work of Healthwatch as a whole. We can do work related to what services are actually being commissioned and plans for service changes through our conversations with the public and providers.

Find out more about all of the work of Healthwatch Lewisham via our website

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

## How we use your information

We use appropriate procedures to keep your personal data safe and secure.

We will not pass your personal information to other organisations outside of Healthwatch Lewisham without your express consent except where required to do so by law, for example where there is a risk of serious harm to a child or vulnerable adult.

Any personal information you will provide will be kept in accordance with the General Data Protection Regulations to protect your data. You have the right to see and/or access the records we hold about you. We only keep data for the purpose for which it was collected, i.e. advocacy, to enable us to act on clients' behalf and share information, with your agreement, with relevant parties. Further information about how we keep your data can be found here.

[www.healthwatchlewisham.co.uk/privacy-policy/](http://www.healthwatchlewisham.co.uk/privacy-policy/)



Contact us 020 3886 0196

Email [advocacy@healthwatchlewisham.co.uk](mailto:advocacy@healthwatchlewisham.co.uk)

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

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