

Healthwatch Halton Advocacy

NHS Complaints Advocacy Service

Information Pack

Talk to us. Make your voice count.



Call us on: 0151 347 8183

FREE, CONFIDENTIAL and INDEPENDENT





This information pack is designed to help you make a formal complaint about the NHS if you feel something has gone wrong with the care, service or treatment you have received from the NHS. This information pack hopefully provides the information to enable you to make your complaint by yourself.

If after reading this pack you require the support of an Advocate, we can provide you with a Healthwatch Halton, NHS Complaints Advocate to support you through the complaints process. You can then use this information pack as a guide when you work through your complaint together. How an Advocate can and cannot support you is explained within this pack.

The NHS complaints process can sometimes be confusing to understand. This pack will give you information about every step of your complaint and includes a straightforward description of what the NHS complaints procedure covers and how it works, who you complain to and how we can help you.



What services are included in NHS Complaints Advocacy?

All Services which are provided or funded by the NHS such as:

- » GP's
- » Hospital staff
- » Pharmacy staff
- » Opticians
- » Community Therapists such as Physiotherapy
- » NHS social care (nursing homes or home-based care)

Services not covered by the NHS complaints process include:

- » Social Care provided by the local authority
- » Privately funded services
- » Personnel matters - staff disciplinary is covered by a separate process
- » Legal issues - claims for compensation for clinical negligence.
- » Contractual matters and service change consultations.





Your Legal Right to Complain

The NHS Constitution was created in 1948 and is a promise that the NHS will always be there for you. The NHS Constitution brings together in one place details of what staff, patients and the public can expect from the NHS

The Constitution sets out your rights as an NHS patient. These rights cover how patients access health services, the quality of care you will receive, the treatments and therapies available to you, confidentiality, information and your right to complain if things go wrong.

The NHS constitution explains your rights when it comes to making a complaint. You have the right to:

- » Have your complaint dealt with efficiently, and be properly investigated

- » Know the outcome of any investigation into your complaint

- » Take your complaint to the independent Parliamentary and Health Services Ombudsman (PHSO) if you are not satisfied with the way the NHS has dealt with your complaint.

Legislation was later passed to detail your rights to complain and what NHS organisations are required to do in The Local Authority Social Services and National Health Service complaints (England) Regulations 2009.

You can find links to the regulations by visiting the Department of Health's website

<http://www.legislation.gov.uk/ukxi/2009/309/contents/made>



What services are included in NHS Complaints Advocacy?

If you are unsure whether you have a complaint, you can contact Healthwatch Halton's NHS Complaints Advocacy team who can talk through your concerns and help you to decide if you want to make a complaint. Options on routes for making a complaint....

INFORMAL

Talk directly to the staff member, their line manager or PALs (sometimes known as patient experience). If you need contact details of these please contact Healthwatch Halton Advocacy.

COMPENSATION

Healthwatch Halton Advocacy is not able to support claims for compensation. Please contact a local solicitor for further advice (some offer free half hour sessions). Contact AvMA and/or Law Works for further information.

FORMAL

For complaints about a GP or Dentist a letter should be sent to either the practice Manger or Cheshire and Merseyside Integrated Care Board. For Hospital Trusts the letter should be addressed to the Chief Executive of the trust. Healthwatch Halton Advocacy Support people to work within the framework of the NHS formal complaints process.

DISCIPLINARY ACTION

Healthwatch Halton Advocacy is not able to support complaints when disciplinary action is a desired outcome. Please contact General Medical Council (GMC) for doctors. Nursing and Midwifery Council (NMC) for nurses or Health and Care Professionals Council (HCPC) for therapists on their register.



When should I complain?

You should make your complaint as soon as possible after the event you want to complain about has happened.

Complaints should be made within **12 months** of the event occurring or from when you first became aware about the issue you want to complain about. If you make a complaint after this 12-month time limit, you may be granted an extension to pursue your complaint, but this will depend on the circumstances of your individual case.



Who should I complain to?

If you have decided to pursue the NHS formal complaints process you need to put your complaint in writing (an example letter is on the next page).

If your complaint is about a GP, Dentist or Optician you need to address the letter to the Practice Manager, if you feel you are not able to do this then it can be sent to **Cheshire and Merseyside Integrated Care Board** (address at the end of this pack)

If your complaint is about a hospital trust you need to address the letter to the Chief Executive.

If you have any queries regarding who you should address your letter to please contact Healthwatch Halton's Advocacy who can provide you with further advice.



Example complaint letter (This letter is an example template letter for making a complaint and should be used as guidance only)

Insert your name and address where you want a response to be sent, include your telephone number or email address if you would like to

Complaints Manager/Chief Executive (name if known)

Organisation Address

Date

Dear ... Name (if known) or Sir/ Madam

FORMAL COMPLAINT

I am writing to make a formal complaint which I wish to be investigated under the NHS Complaints Procedure. I am writing to complain about the care/ treatment I received from (name of place/ staff members) on (dates/ times).

(Outline the details of your complaint)

- » What happened- be clear and brief
- » When it happened- dates (including the year and month), particular days and times
- » Where it happened- places, names of staff
- » What effect it has had on you and why you are not satisfied
- » Explain what, if anything, you have already done to try and resolve matters

I would like the following points addressed in your response to me.

-Ask the questions you would like the answers to and list them in order of importance

-Set out why you are not satisfied

As a result of this complaint, I would now like you to:

- » Give me an explanation as to what went wrong and why
- » Provide me with an apology
- » -Explain to me what action you intend to take (including details of who will be taking the action and by when)

I confirm that I have enclosed the following documents with this complaint letter which I would like to be considered as part of your investigation into my complaint:

(List documents you are sending in)

I look forward to receiving an acknowledgement to this letter and await confirmation that you will investigate my complaint in accordance with the NHS complaints Procedure.

If you require further information, please contact me.

Yours sincerely (if you have used the person's name when addressing this letter)

Or

Yours faithfully (if you have used Chief Executive/ Complaints manager or Sir/ Madam when addressing this letter)

YOUR SIGNATURE



How does the NHS Complaints Process work?

You have decided you would like to make a formal complaint

Produce a Letter of Complaint (LOC), (A template letter is included in this pack)

Post the letter to the Practice Manager, Cheshire and Merseyside Integrated Care Board or the Chief Executive of the trust. You may want to consider sending this by signed for or recorded delivery.

You will receive an acknowledgment letter (ACK LR) from the trust stating what concerns will be investigated and a timescale when a response letter will be completed and sent to you.

You will receive a Response letter from the trust with their findings.

You are satisfied

You are not satisfied

No further action required.

Send another Letter of Complaint to the Manager/Trust, stating what concerns have not been addressed and/or any areas the response has raised further concerns/questions. Alternatively: Request a Local Resolution Meeting (LRM) - This is a face to face meeting to address the outstanding concerns. Contact the telephone number on your initial response letter.



You will receive another acknowledgement letter from the trust outlining points for further investigation. If you have requested an LRM - a date will be arranged for a face to face meeting



You will receive a further Response letter from the trust.

Following the LRM - You will receive minutes (preferable audio) and a summary letter.

Are you Satisfied?

Are you not Satisfied



No further action required.



Consider making an application to the Parliamentary and Health Service Ombudsman (PHSO)



Making an application to the Parliamentary and Health Service Ombudsman (PHSO)

- » It is exactly what it says an application – the PHSO may refuse to take the case on, this may be because they are not the most suitable organisation, you are out of time or they do not feel by taking the case of they would be able to provide anything further to the case.
- » If refused there is the option to request a 'Review' – an application form needs to be completed and certain criteria adhered to – ask your case worker at the PHSO for further information.
- » An intake case worker will review the application and make initial checks for example, have you given the organisation the chance to put things right before making an application to them.
- » If accepted, you will then await allocation of a case worker. The case worker will make further checks including access to medical records and consulting independent clinicians for advice.
- » If accepted at this stage (stage 2) you will then be moved onto stage 3 where the case worker completes a thorough investigation, and a draft final report will be produced.
- » You and the organisation (trust, GP etc.) can provide any further evidence which has come to light or query any points stated and submit this for consideration. This may or may not change the recommendations in the final report.
- » The final report is then sent to you, this can have three outcomes – the complaint is not upheld, partially upheld or fully upheld. Outcomes can be that the PHSO recommends to the trust, GP etc. to provide a sincere written apology and/or an explanation to you, make changes to their processes or provide financial remedy.

How Healthwatch Halton's NHS Complaints Advocacy Service can help you.

Healthwatch Halton Independent NHS complaints Advocacy Service can help any Halton resident make a complaint about the care or treatment you or the person you are representing has received from the NHS.

The service is:

✓ **Free** (There is no charge for this service)

✓ **Confidential** (We will not share your information without your permission unless we believe yourself or others may be at risk of harm)

✓ **Independent** (We are not funded by the NHS)

An Advocate can support you by explaining your options and provide you with tailored support to meet your needs. Advocacy is about supporting people to take part in processes and decisions that affect their lives.

You have a right to be heard and to make your voice count. Your views remain your own. An Advocate will not try to change your views and will support you to put your views across so people listen to what you want to say.

If you want support from an Advocate, they can:

✓ Answer your questions to help you make decisions

✓ Support you to write letters to the right people

✓ Provide you with one to one support and explain your options

✓ Prepare you for meetings and attend with you

✓ Monitor the progress of your complaint and help you get the best possible resolution

An Advocate cannot:

✗ Give you legal or medical advice

✗ Provide counselling

✗ Help you complain about a private healthcare provider

✗ Get an NHS employee disciplined

✗ Provide a secretarial service



How the process works

You contact us:

When you contact us your call/email comes directly to our Advocacy team who will take your contact details, talk with you briefly about your concern, discuss what type of help and support you require and ask if you have any communication needs as we provide all of our documents in a variety of formats.

We will give you a brief outline of what you can expect of the NHS Complaints Procedure and how we can support you. Whilst we will always try to put your through to one of our Advocates on the initial call you make, this is sometimes not always possible therefore we will always allocate your case to a dedicated Advocate as soon as possible. We will always try to match you with an advocate who best meets your needs.

Giving consent

Before we can work with you, you will need to provide us with your consent. We will send you out a client consent form which you will need to complete and send back to us either electronically or in a stamped addressed envelope (this will be discussed at your initial call). A copy can also be downloaded from our website.

Accessing Advocacy Support

When your Advocate calls, they will discuss your concerns and agree with you an initial Client Support Plan which will contain details of your complaint, including a breakdown of the issues you want to raise, what outcome you are hoping to achieve and what action we will take to assist you. Once we have agreed a plan with you on the telephone, we will send you a copy; if you would like any amendments please discuss this with your Advocate. Once you have agreed your Client Support Plan, we will begin working with you to help support you make your NHS complaint.

We will review your case monthly and contact you to provide updates on your case. We will also chase the progress of responses on your behalf. At every step of the way, you can tell us how we can support you and if your needs change so that we can be sure we are providing you with the best support and service that we can, you can contact us at any time of your complaint.

Useful Contacts

If you want to find out more about your rights under the NHS Complaints Procedure, you can refer to The Local Authority Social Services and National Health Service complaints (England) Regulations 2009.

- » You can find links to the regulations by visiting the Department of Health's website

<http://www.legislation.gov.uk/uksi/2009/309/contents/made>

- » To find a solicitor through the Law Society:

<https://www.lawsociety.org.uk/> - **020 7242 1222**

- » To send a Letter of complaint to **Cheshire and Merseyside Integrated Care Board** (when you do not feel able to send it to the GP or Dental Practice Manager):

**NHS Cheshire and Merseyside ICB, No 1 Lakeside, 920 Centre Park
Warrington WA1 1QY, Tel: 0800 132 996 E-mail: cmicb-cheshire.patientexperience@nhs.net**

- » To Find out information about a legal route for medical negligence.

Action Against Medical Accidents (AVMA)- **0845 123 2351**

www.avma.org.uk

- » To find out a list of organisations which may offer support regarding legal advice.

Law Works - <https://www.lawworks.org.uk/>

- » To make an application to the Parliamentary and Health Service Ombudsman (PHSO)

0345 0154033 - www.ombudsman.org.uk



Contact us

**Call us on
0151 347 8183**

If you are not sure if you need an Advocate, contact us and we can discuss your case with you.

Email: advocacy@weareecs.co.uk

Post:

Write to us at Healthwatch Halton Advocacy Service
A.R.T. Centre, Tan House Lane, Widnes, WA8 0RR.

For more information visit our website at
<https://healthwatchhalton.co.uk/advocacy-hub/>

**Talk to us.
Make your
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**Engaging
Communities
Solutions**