

# Complaints

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## Introduction

The people who look after your health will do whatever they can to make sure you are treated properly and promptly. But sometimes things do go wrong. From 1 April 1996 there will be a new system to use if you want to complain about the services or treatment you get from the NHS. The new procedure will work in the same way whatever part of the NHS you want to complain about. The aim will be to give you a quick, but thorough, response which answers your concerns properly, where possible by those who know the most about your care. This leaflet tells you what to do if you want to complain.

### 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.

It is important that you make your complaint as soon as possible after the event you want to complain about happens – usually the NHS will only investigate complaints that are either:

- made within 6 months of the event; or
- made within 6 months of you realising that you have something to complain about as long as that is not more than 12 months after the event itself.

These time limits can be waived if there are good reasons why you could not complain sooner.

## Whom do I complain to?

Wherever possible, you should tell someone close to the cause of your complaint – a doctor, nurse, receptionist, or practice manager, for example. In many cases, it should be possible to sort out the problem straight away. This part of the procedure is called **Local Resolution**. If you would prefer to talk to someone who is not involved in your care, you can telephone or write to the appropriate complaints manager. All NHS Trusts have complaints managers, but if your complaint is about a family practitioner – a GP, family dentist, pharmacist or optician – you should contact the complaints manager at your local health authority. Their telephone number will be in the phone book.

Whoever you ask to look into your complaint, they will do their best to sort out the problem as quickly as possible. Sometimes they may need to involve other staff to establish what has happened and to decide what action to take. They will be careful to ensure that any information about you is kept confidential.

The **Patient's Charter** gives you the **right** to have a full and prompt **written** reply from the chief executive to any written complaint against a trust or health authority. The NHS tries to do this within 4 weeks of receiving any complaint. Where there are good reasons why this cannot be achieved, you will be kept informed of progress.

Your local family health service practitioners – GP, dentist, pharmacist or optician – have their own complaints procedures. Staff in these practices will be able to give you details of how to complain, and they will aim to respond to your complaint within 10 working days.

## What if Local Resolution is unsuccessful?

If you are not satisfied with the outcome of Local Resolution, then you can ask the trust, or health authority if you are complaining about the health authority itself or about family health services, to consider taking your

complaint to **Independent Review**. You should do this within 4 weeks of the date of the letter telling you about the outcome of Local Resolution action. This letter will tell you whom you should contact if you want to request an Independent Review.

Your request will be considered by a specially trained member of the trust or health authority, called the **convener**, who will ask you to explain in writing exactly why you are still dissatisfied, if you have not already done so. The convener will contact an independent lay person to help him consider your case, and will look at whether any other Local Resolution action might resolve your problem. If not, then the convener will decide whether there should be an Independent Review of your complaint by a special panel.

The convener does not *have* to set up a panel every time one is requested. He will only do so if he thinks that a panel investigation is likely to resolve the problems you have identified. Either way, you will be informed of the convener's decision in writing, generally within 4 weeks of you requesting a panel investigation. If he decides to set up a panel, he will tell you what matters the panel will investigate.

The panel will have three people – an independent lay person acting as chairman, the convener, and one other person. The panel will re-examine fully the concerns referred to it by the convener, talking to everyone involved, and getting any specialist advice it needs. It will then prepare a report setting out the results of its investigations, together with its conclusions and any appropriate comments or suggestions. You will be given a copy of the report, and the chief executive will write to tell you of any action being taken as a result of the panel's recommendations.

### What can't be dealt with by the new procedures?

There are some things which cannot be dealt with under the NHS complaints system.

These include:

- complaints about private treatment;
- complaints about Local Authority Social Services;
- events requiring investigation by a professional disciplinary body;
- events about which you are already taking legal action.

Talk to the complaints manager or family practitioner if you are unsure whether your complaint is definitely about the NHS.

### What if I'm still unhappy?

If you are still dissatisfied after the NHS complaints procedure has been completed you can ask the **Health Service Commissioner** (the **Ombudsman**) to investigate your case. The Ombudsman is completely independent of both the NHS and of the Government. As well as complaints about NHS services, he can investigate complaints about how the complaints procedure is working. So, for example, he could investigate a complaint about a convener's decision not to set up an independent review panel. If you want advice on whether to ask him to investigate, you can write to his office or telephone – the address and number are below.

The Ombudsman is not obliged to investigate every complaint put to him, and he will not generally take on a case which has not first been through the NHS complaints procedure, or a case which is being dealt with by the courts.

#### Useful contacts

Complaints Manager – the telephone number and address of the trust or health authority will be in the phone book. Ask to speak to the complaints manager, or address your letter to 'the Complaints Manager'.

Family Practitioners – telephone or visit the surgery or practice. The receptionist will be able to tell you who to complain to.

The Ombudsman – The Health Service Ombudsman for England  
 11th Floor  
 Millbank Tower  
 London  
 SW1P 4QP  
 Telephone 0171 276 2035

If you need help with making your complaint, your local Community Health Council (CHC) can do this. CHCs are independent and can provide information, advice and support to members of the public who may wish to make complaints. Your local Citizens Advice Bureau can also advise you. Telephone numbers and addresses for both of these are in the phone book.

The Health Information Service (0800 665544) can also let you have up to date information about how the complaints system works. These calls are free.

### And finally

We want to know when things go wrong, so we can quickly put them right for you, and can learn from your experience to improve our services to other people. We also want to know what you think of our services generally, what your suggestions are for the future and when you are pleased by the efforts of our staff to help. Feel free to contact us with any comments or suggestions you may have.

Further copies of this leaflet can be obtained from the Health Literature Line on 0800 555 777.

This leaflet is also available from the Health Literature Line in the following languages:

Bengali	Hindi	Turkish
Chinese	Polish	Urdu
Greek	Punjabi	Vietnamese
Gujarati	Somali	