

# Making an NHS Complaint



**Independent  
Complaints  
Advocacy**

**If you are unhappy about any aspect of NHS care or treatment you or others have received, you can raise your concerns about it. This sheet will give you all the information to need to know to get you started. Should you require any assistance with this, please see the accompanying sheet, “Advocacy Support” which details the support available.**

## **Before you start this process, you may wish to:**

- Think about what you are unhappy about
- Think about whether you have a complaint or an enquiry
- Check that your complaint is within the time limits
- Think about why you are making a complaint and what you would like to happen as a result of your complaint and;
- Check that your complaint can be pursued through the NHS complaints process

## **Raising concerns:**

If your concern is regarding something that can be resolved quickly, i.e. by the following day, you may wish to speak directly to the member of staff involved, their manager or speak with PALS. **For more information about this, please see the sheet on “Enquiry or Complaint”**

## **Time Limits**

The NHS Complaints Regulations state a complaint must be made within 12 months of the incident happening or with 12 months of you realising you have something to complain about. A complaint may be accepted outside of this if the body you are complaining to is satisfied that you had good reason for not making the complaint sooner and they feel it is still possible to investigate the complaint effectively and fairly.

## **What cannot be pursued through the complaints process?**

- Compensation for clinical negligence
- Disciplinary action against an NHS Staff member
- Complaints about privately funded treatment
- Complaints about organisations which are not NHS funded.

**For more information about the above please see the sheet “Options outside the NHS complaints process.”**

Once you have considered the above, you may wish to make a note of your complaint and what you want to achieve as simply and clearly as you can. This will help you to keep focused during the complaints process, and will be something you can refer back to later to help you to decide if the actions taken have answered your complaint.

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**There are two stages to the NHS complaints process, these stages are detailed below.**

## STAGE ONE – Local Resolution

Local resolution is the first stage of the NHS complaints process. Local resolution gives you the opportunity to explain what it is you are unhappy about and what you would like to happen and it gives the NHS organisation the opportunity to investigate your concerns and where appropriate, use your experience to improve local services.

### How to make a complaint

You can complain **verbally**, either in person or over the telephone. The NHS Complaints regulations state that if a complaint is made verbally the NHS organisation must make a written record of the complaint and provide you with a copy of this. Or,

You can complain in **writing**, by letter or by email. This should be addressed to the person in charge, perhaps the Chief Executive Officer, Senior Partner or Practice Manager. For information on how to write your complaint please see the handout on **“Writing a complaint letter.”**

### What happens next?

#### Acknowledgement

The NHS body should contact you, either by phone or in writing, to acknowledge your complaint within three workings of them receiving it. When they do so they should let you know who will be investigating it, how long this should take and how they will be replying to you.

#### Investigation

The NHS organisation should now carry out an investigation into your concerns. At this stage they may speak with the staff members involved and look into your medical records.

#### Response

Once the investigation is complete, the NHS body should send you a written response which includes

- An explanation of how your complaint has been handled
- What conclusions have been reached
- What action, if needed, has been taken
- Information about Stage 2 of the complaint procedure

During this first stage of the complaints procedure you may be offered/you can request a meeting to discuss your concerns in person. For more information, please see the sheet **“Guidance on local resolution meetings.”** In addition, if you do not feel all your concerns have been addressed you can go back to the NHS body and request either further written responses or further meetings. Each complaint should be looked at individually and responded to in a way the Trust feels meets your needs and resolves your concerns.

Local resolution ends when either you are happy with the response you have received or the Trust feel there is nothing further they can do. At the end of local resolution, if you are unhappy with the outcome of your complaint or the way in which your complaint has been handled, you can make a submission to the Parliamentary and Health Service Ombudsman

## STAGE TWO – The Parliamentary and Health Service Ombudsman (PHSO)

You have the right to take your complaint to the Ombudsman if you are not happy with the way your complaint has been dealt with. The Ombudsman is Independent of the NHS and their primary function is to review the way your complaint has been handled. This is the second and final stage.

If you want to make a submission to their offices, you will need to complete their form ‘making a complaint’. You need to send this to them, with copies of all letters about your complaint. **For more about the Ombudsman and how to make a complaint to them, please see “Ombudsman Information”.**