

How to...  
**Make an  
NHS complaint**

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# **NHS complaints statement...**

# Introduction

**You have a right to make an NHS complaint if...**

you are unhappy with the care and treatment you have received

**or**

if you are unhappy about the care and treatment that someone else has received

**and**

that person cannot make the NHS complaint themselves.

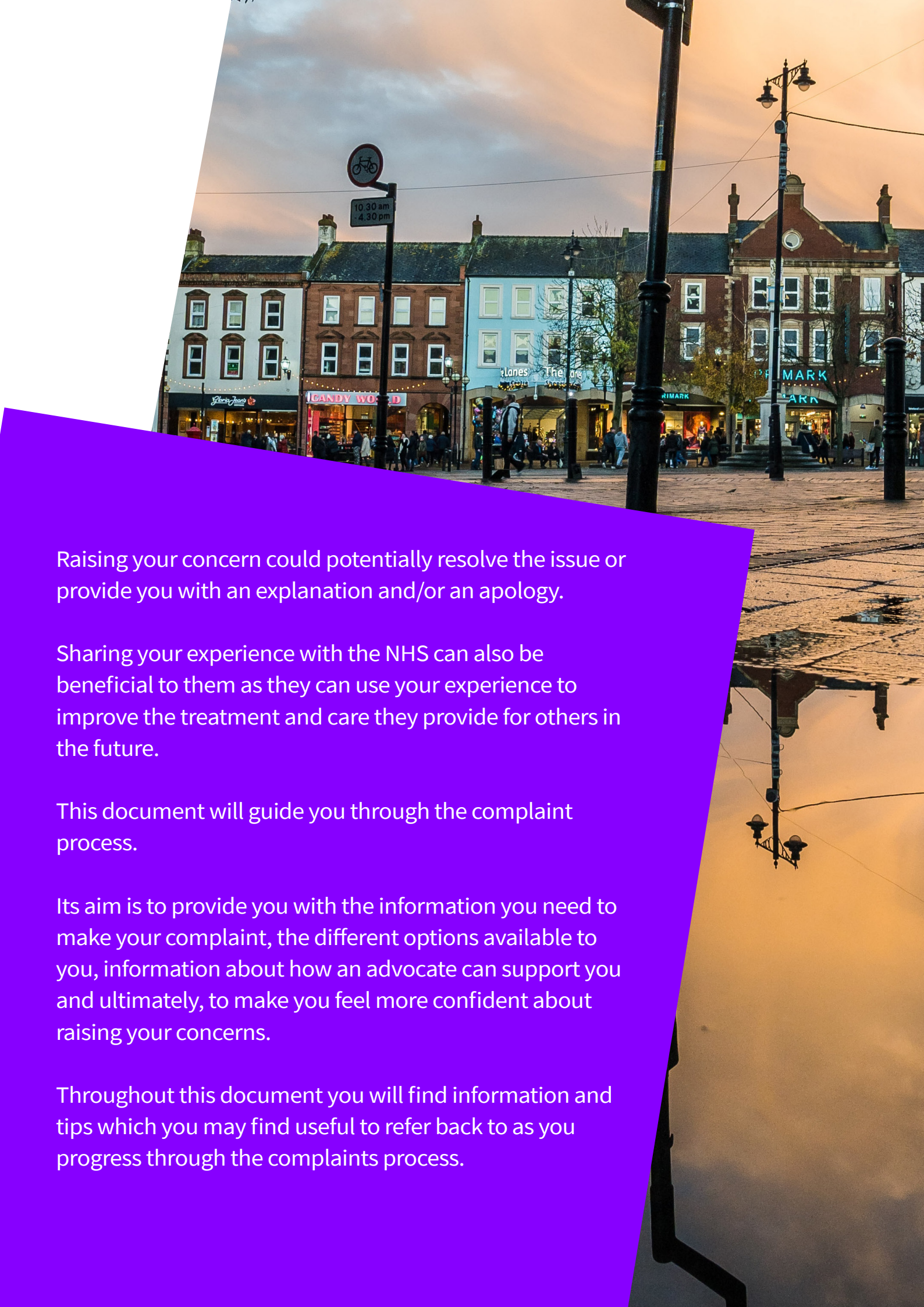
This may be because they are a child, they have a disability, or they have passed away.

If you are making a complaint on behalf of someone else, you will need their consent unless they lack capacity to give you consent.

You have a right to be listened to and treated with respect throughout the complaint process. This includes having your complaint investigated by the NHS provider or the organisation that commissions the provider. Examples include:

- Dentists Surgeries
- Hospitals
- Doctors Surgeries
- Mental Health Services
- Integrated Care Board
- NHS funded care provided in a Care Home
- NHS funded treatment provided in a Private Hospital.





Raising your concern could potentially resolve the issue or provide you with an explanation and/or an apology.

Sharing your experience with the NHS can also be beneficial to them as they can use your experience to improve the treatment and care they provide for others in the future.

This document will guide you through the complaint process.

Its aim is to provide you with the information you need to make your complaint, the different options available to you, information about how an advocate can support you and ultimately, to make you feel more confident about raising your concerns.

Throughout this document you will find information and tips which you may find useful to refer back to as you progress through the complaints process.

# Who are People First?

People First is commissioned by Cumberland Council, Westmorland and Furness Council and Hartlepool, Middlesbrough, Redcar and Cleveland Council, to offer independent advocacy to support residents of Cumbria who have received NHS treatment from anywhere in the UK to raise a complaint about any NHS funded service.

People First offer a range of different projects and services. You can find out more by visiting our [website](#).

Our support is **free, confidential**, and completely **independent** from all health and social care providers.

We provide practical support and information to people who are considering submitting a complaint about an NHS service.



## We can help you to:

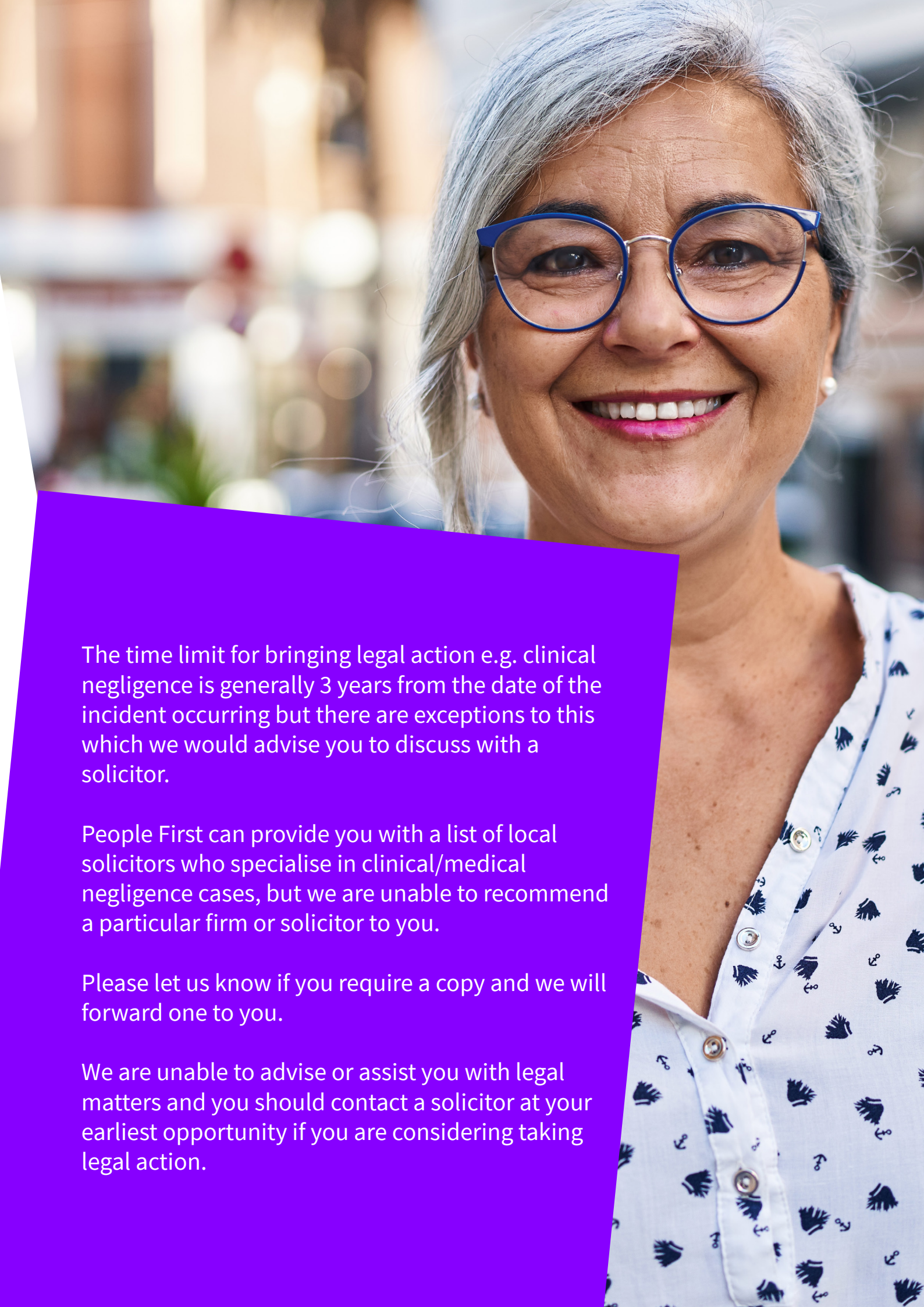
- Explore your rights and choices to make an NHS complaint
- Feel confident to raise your complaint
- Understand and navigate the NHS complaints process
- Find out about other services or organisations that can help.



## We can not:

- Investigate your complaint
- Make decisions for you
- Help you to pursue a medical negligence claim.





The time limit for bringing legal action e.g. clinical negligence is generally 3 years from the date of the incident occurring but there are exceptions to this which we would advise you to discuss with a solicitor.

People First can provide you with a list of local solicitors who specialise in clinical/medical negligence cases, but we are unable to recommend a particular firm or solicitor to you.

Please let us know if you require a copy and we will forward one to you.

We are unable to advise or assist you with legal matters and you should contact a solicitor at your earliest opportunity if you are considering taking legal action.

# The NHS Complaints Process

**There are two stages to the NHS Complaints Process; Stage One and Stage Two.**

Stage One is all about resolving complaints at a local level; giving the NHS provider an opportunity to hear what you are unhappy about and investigate what happened. Local Resolution is important because it aims to resolve your concerns and, where appropriate, use your experiences to improve local services.

Stage Two is for when you have been through Stage One and feel your complaint has not been responded to appropriately.

## Stage 1 >

- Making a complaint
- Complaint investigation
- Local resolution meeting
- Final response

## Stage 2 >>

- Parliamentary Health Service Ombudsman

This information Pack will help you with both Stage One and Stage Two of the NHS Complaints process.





# **Stage One**

## **Local Resolution**

# Stage One: Local Resolution

**There are several things to consider when deciding whether to make an NHS complaint. You may want to think about:**

## **1. Can I resolve my issue without raising a formal complaint?**

Concerns can sometimes be put right once you explain the problem before making a formal complaint. You may wish to speak to a member of staff who is directly involved.

This is often the quickest way to put things right.

If your complaint relates to care and treatment you received from an NHS Trust, you can contact the Patient Advice and Liaison Service (PALS) to raise concerns informally if the events are happening or have already happened. PALS are part of the NHS and they can assist you in resolving some concerns e.g. delays over receiving appointments or access to medication when an inpatient on a hospital ward. We can give you information on how to contact PALS.

## **2. What information do I need before I can decide whether to make a complaint?**

There are several different types of health records, and you may like to request a copy to help you make your complaint. Accessing them is free, and healthcare professionals have a legal requirement to allow you to see them. It may be that your complaint relates to the care of someone else and you would like to access their records. If you contact the NHS provider, they will advise you of their process for accessing health records.



## Making a complaint

A complaint is usually made in writing, and the letter should clearly outline your complaint and should state that you wish to raise a complaint regarding care / treatment you or someone else has received. This should ensure that the complaint is investigated under the NHS complaints procedure. If you are writing on behalf of someone else who is a patient, rather than for yourself, you must show that you have the patient's permission.

**A sample letter and consent form can be downloaded on p. 21.**

### Be clear and straightforward

- It is important to be absolutely clear what you want to complain about
- Use short sentences
- Do not be afraid to say what has upset you but try to avoid using aggressive or accusing language
- Try not to repeat yourself.

### Be constructive

- Your complaint is an opportunity to improve things
- Put your concerns politely but firmly
- Once you have explained what has happened, explain what you would like to achieve as a result of your complaint. This could be an apology, an explanation, a service improvement, or any other remedy such as treatment or financial reimbursement. It can be a good idea to list these at the end of the letter
- **Make sure the letter is dated and signed.**

### Helpful hints

- Explain in date order what has happened. Try to remember as many details as you can, but do not worry if you cannot recall some details.
- Try to keep your complaint letter as brief as possible. Be careful not to lose your main points in a long letter.
- If the complaint is long and complex attach a log sheet or diary of events with details.
- Keep a copy of all letters sent and received, in date order.

# Where do I send my NHS complaint?

NHS Provider and Locality	NHS Services	Address to send letter	Further Enquiries
<b>North Cumbria Integrated Care NHS Foundation Trust</b>	<ul style="list-style-type: none"> <li>● Cumberland Infirmary</li> <li>● West Cumberland Hospital</li> <li>● Midwifery-led service at Penrith Community Hospital</li> </ul>	<b>Chief Executive</b> Management Suite Old Pillars Building Cumberland Infirmary Newtown Road Carlisle CA2 7HY	You can call North Cumbria Integrated Care Foundation at: <b>01228 814018</b> Extension: <b>14018</b>  Or you can email them ta: <b>complaints@ncic.nhs.uk</b>
<b>University Hospitals of Morecambe Bay NHS Foundation Trust</b>	<ul style="list-style-type: none"> <li>● Furness General Hospital in Barrow-in-Furness</li> <li>● Westmorland General Hospital in Kendal</li> <li>● Ulverston Community Health Centre in Ulverston</li> </ul>	<b>Chief Executive,</b> University Hospitals of Morecambe Bay NHS Foundation Trust, Westmorland General Hospital, Burton Road, Kendal, LA9 7RG	You can contact the Patient Relations department on <b>01539 716621</b>  Or you can email the at: <b>CommentsandComplaints@mbht.nhs.uk</b>
<b>Lancashire and South Cumbria NHS Foundation Trust</b>	<ul style="list-style-type: none"> <li>● Community Hospitals</li> <li>● Community Nursing</li> <li>● Drug/alcohol Services</li> <li>● Health Visiting</li> <li>● Learning Disability Services</li> <li>● Mental health services</li> <li>● Allied health services such as Podiatry, Physiotherapy, and Occupational Therapy</li> <li>● Community Dentistry</li> <li>● Children's Services</li> <li>● HMP Haverigg Healthcare</li> </ul>	<b>FAO Hearing and Feedback Team</b> Lancashire and South Cumbria NHS Foundation Trust Sceptre Point Sceptre Way Walton Summit Preston PR5 6AW	You can call Lancashire and South Cumbria NHS Foundation Trust at: <b>0808 144 1010</b> or <b>01772 695 315</b>  Or you can email them at: <b>complaints@lscft.nhs.uk</b>
<b>North West Ambulance Service NHS Trust</b>		<b>North West Ambulance Service NHS Trust,</b> FREEPOST MR 10223, Patient Experience, Manchester, M45 9AQ	You can contact North West Ambulance Service at: <b>0300 555 0110</b>
<b>Cumbria, Northumberland Tyne, and Wear NHS Foundation Trust</b>	<ul style="list-style-type: none"> <li>● Community Hospitals</li> <li>● Community Nursing</li> <li>● Drug/alcohol Services</li> <li>● Health Visiting</li> <li>● Learning Disability Services</li> <li>● Mental Health Services</li> <li>● Allied health services such as Podiatry, Physiotherapy, and Occupational Therapy</li> <li>● Community Dentistry</li> <li>● Children's Services</li> </ul>	<b>Cumbria, Northumberland, Tyne &amp; Wear NHS Foundation Trust</b> Complaints Department St. Nicholas Hospital Gosforth Newcastle Upon Tyne NE3 3XT	You can call Cumbria, Northumberland Tyne, and Wear NHS Foundation Trust at: <b>0300 555 0110</b> or <b>0191 245 6672</b>  You can email at: <b>complaints@cntw.nhs.uk</b>

NHS Provider and Locality	NHS Services	Address to send letter	Further Enquiries
<b>North East Ambulance Service NHS Trust</b>		<b>North East Ambulance Service</b> NHS Trust HQ, Bernica House, Newburn Riverside, Newcastle Upon Tyne, NE15 8NY	You can call North East Ambulance Service at: <b>0191 430 2000</b>  Or you can fill in their online complaints form <a href="#">here</a> .
<b>GP Practice, dental Practice, community pharmacy or optician</b>	NHS North East and North Cumbria Integrated Care Board (ICB)	<b>North Cumbria</b> Parkhouse Building Baron Way Kingmoor Park Carlisle CA6 4SJ	To speak to a representative at NHS North: <b>01768 639 310</b>  You can also email at: <b>nencicb-cu.enquiries@nhs.net</b>
	NHS Lancashire and South Cumbria Integrated Care Board (ICB)	<b>Lancashire and South Cumbria ICB</b> Chorley House Lancashire Business Park Centurion Way PR26 6TT	You can phone them on: <b>01772 214 232</b>  Or email: <b>lsc.icb@nhs.net</b>

## Be constructive

Once you have made a complaint you should receive an acknowledgement of your complaint within three working days of receiving your letter. This should include a timescale for providing their response.

The NHS should contact you to discuss your complaint and arrange a plan to resolve your concerns with you. This means that they should discuss how best to resolve those concerns and what you hope to achieve from raising them. They should also agree with you a timescale for resolving the issues and keep you informed of progress. If there is a problem in keeping to this timescale, they should contact you before it expires to agree an amended timescale.

If your complaint involves a service that is provided in partnership with the NHS, such as some Social Care Services, there is a separate complaints procedure for Social Care. In these cases, you may wish to discuss your options with People First. In addition to your NHS complaint, we may be able to help with other parts of your complaint that involve a non-NHS organisation or point you in the direction of someone who can. You will only need to send a letter to one of the organisations who should liaise with the others involved and provide you with a coordinated response.



## What happens once the investigation is complete?

When the investigation is complete you should receive a response to your complaint which should answer any questions you have raised and what was found in the investigation. It should detail any actions that have or will be taken, and let you know what your options are if you remain unhappy with the response.





## What are my options if I remain unhappy following the response from the NHS?

It can be useful to compare the response to your original complaint and the questions you raised. This can help you decide if any questions were not answered, and any issues you wish to raise from the information you have received.

The NHS may investigate your complaint further. The NHS organisation should discuss this with you and agree a plan, including timescales. If you send a letter again, the process is repeated and you may meet with the NHS organisation, or after a second response.

The NHS organisation you are complaining about may feel that everything has been done to answer your complaint and if so, they should inform you in writing that the Local Resolution Process has now finished, and you can apply to the Parliamentary Health Service Ombudsman if you remain dissatisfied.

In summary your options are as follows:

- You can write another letter explaining what you think has not been covered.
- You can call the person handling your complaint and explain why you are still unhappy.
- You can request a meeting to discuss your outstanding concerns, which an Advocate can attend with you.
- You can refer your concerns to the Parliamentary Health Service Ombudsman to review your complaint, however it may be worth noting that they may be reluctant to review it at this stage if they feel your complaint can still be resolved through local resolution.
- You may find it helpful to discuss your options with People First.

# **Stage Two**

## **Parliamentary Health Service Ombudsman**

## **The Parliamentary Health Service Ombudsman (PHSO) is the second stage of the complaints process.**

The Ombudsman is independent of the NHS and Government. The Ombudsman's services are confidential and free.

They are there to review your complaint should you remain dissatisfied with the investigation carried out by the NHS organisation.

The Ombudsman will look at every complaint application but is not required to investigate them all. They will not normally investigate your case unless you have already tried local resolution.

The Ombudsman can refer you back to local resolution if they think you have come to them too soon, or if they feel that the NHS organisation involved has not done all it could to resolve your issues locally.

### **There are three main outcomes at Stage Two:**

- The Ombudsman may decide not to investigate the case and take no further action (for example, if they think that the NHS has done all it can to resolve your complaint locally)
- The Ombudsman may decide not to investigate the case but ask the NHS provider or practitioner to take action which they think would resolve your complaint more quickly. This is called an 'intervention.'
- The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report. The investigation will be very thorough and can take some time. The Ombudsman aims to complete 90% of investigations within 12 months of accepting the case for investigation. The outcomes at this stage that can be expected consist of; The complaint can be upheld, the complaint can be partly upheld or the complaint may not be upheld.



## What should I do if I want to request the Ombudsman to investigate?

You should apply to the Ombudsman no later than 12 months from the date of the events you are complaining about (or from when you first became aware of the matter).

The Ombudsman can extend this time limit if, for example, the NHS took longer to investigate your complaint. You can download an application form and get more information on their website [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

The Health Service Ombudsman can be contacted by:

**0345 015 4033**

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

Initially, a member of the Ombudsman's staff will consider whether your case meets the Ombudsman's criteria for investigation. To carry out this assessment they may need to see clinical records and other documentation.

A member of the Ombudsman's staff will contact you to ask for any papers they need and will write to you to let you know the outcome.



## Why may the Health Service Ombudsman not investigate my complaint?

### The Ombudsman will not usually investigate a complaint if:

- You do not agree with a decision made by your NHS provider but cannot offer any evidence as to why their decision is wrong or unsatisfactory.
- They decide that there is no evidence to suggest that the NHS provider acted wrongly.
- They decide that the NHS provider or practitioner has done all that they reasonably could to put things right.
- They decide that there would not be a worthwhile outcome from an investigation (for example, if the solution sought by the complainant is not obtainable).





## What should I include in a request to the Ombudsman?

It is important to provide the final letter from the Integrated Care Board or primary care provider and as much evidence as you can to support why you feel an investigation should be carried out. You should also include clear points which outline what you would like them to investigate.

## What happens if my complaint is investigated?

If the Ombudsman carries out an investigation, they will write a detailed report. If your complaint is upheld, the Ombudsman can make recommendations to the Integrated Care Board or practitioner to put things right. All the Ombudsman's decisions are final. This includes the decision about whether or not to investigate your complaint and the decision about whether or not your complaint should be upheld.



**Download  
now**

**Scan** the QR code or search **[www.bit.ly/NHSLettertemplate](http://www.bit.ly/NHSLettertemplate)** in your browser to download a template complaints letter and Consent form.

# Getting support and Frequently Asked Questions

If you have questions about Independent NHS Complaints Advocacy, take a look at the **Frequently Asked Questions** on our website, or get in touch.

If you would like our support, you can refer yourself by calling us or completing our online referral form: [wearepeoplefirst.co.uk/referral/](https://wearepeoplefirst.co.uk/referral/)



You can call us **0300 303 8037**



Or email [\*\*bestlife@wearepeoplefirst.co.uk\*\*](mailto:bestlife@wearepeoplefirst.co.uk)



Or live chat [\*\*wearepeoplefirst.co.uk\*\*](https://wearepeoplefirst.co.uk)

If you need this information in a different format please let us know.



**We are a charity**

People First Independent Advocacy are  
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