



# NHS Complaints

Self-help pack



**Rethink**

Advocacy

This self-help pack will help you when considering making a complaint about an NHS service.

It explains how you can make a complaint and what support you can get.

Rethink Mental Illness  
Essex Advocacy Service is:

- Independent from NHS services
- Free to use
- Confidential

# This pack covers:

1. Is a complaint the right option for me?
2. Can I complain?
3. Is there a time limit?
4. How do I complain?
5. Who should I complain to?
6. Who can help me make my complaint?
7. What happens next?
8. Can 'Healthwatch' help?
9. How can I complain about how staff have behaved?
10. Can I take the service to court?
11. Sample complaints letters

# 1. Is a complaint the right option for me?

This pack may help you if you want to make a complaint about:

- your GP,
- your mental health team,
- your psychiatrist,
- your care coordinator,
- local mental health services, such as a crisis team, or
- hospital treatment.

If you would like to complain about other services, like private healthcare then other rules will apply. You will need to ask these services for details of their complaints policy.

You can make a complaint to show that you are unhappy with a service you have used.

You might feel that a service:

- has not treated you with respect,
- has given you the wrong care or treatment,
- did not help quickly enough,
- did not do enough to help you, or
- was taken away sooner than it should have been.

If you have had a poor experience, you might want to make a complaint. Your complaint could help make things better for you or other people in the future.

You may worry that you will lose out if you complain. You might worry the NHS won't support you anymore, or that staff will treat you differently. This should not happen, so don't let this put you off.

## Other options

**If you don't want to complain, you could:**

- talk to staff to see whether they can help, or
- get in touch with your local Patient Advice and Liaison Service (PALS) if your complaint is about the NHS.
- Contact the Devon NHS Complaints Advocacy Service

## 2. Can I complain?

You can complain about any NHS services you are using or have used in the past. Your carer might be able to complain for you.



### Carers

If you are a carer, you can make a complaint on someone else's behalf if:

- the person you care for has asked you to make a complaint for them

OR

- the person you care for cannot make decisions about making a complaint.

## 3. Is there a time limit?

It depends on how long ago it happened.

You should make your complaint within 12 months of the incident happening

OR

Within 12 months of you realising you have something to complain about.

NHS organisations are allowed to waive this time limit if there are good reasons why you could not complain earlier.

# 4. How do I complain?

You can make your complaint by telling a member of staff, writing a letter or sending it by email. Some services might have an online form you can use on their website.

## Complaining in person

If you make your complaint face-to-face or by phone, you need to be clear that you want to make a complaint.

The staff member you speak to will make a note of your complaint to record your concerns. They will give you a copy of this record.

You should make a note of:

- who you spoke to,
- what you talked about, and
- the date and time.

## Complaining in writing

If you make a complaint by letter or email, make sure that it is clearly marked with the word 'complaint'.

### Make sure you explain:

- what has happened,
- why you are not happy, and
- what you would like to happen next.

There are sample complaints letters at the end of this pack.

If you send a letter, make sure that you keep a copy of it for your records. You might find it helpful to send it by recorded delivery so that you can prove that you sent it.

# 5. Who should I complain to?

## Complaints about the NHS

You can complain to the:

- service you had problems with, or
- organisation which provides their service. This would be your local Clinical Commissioning Group (CCG) or NHS England.



# 6. Who can help me make my complaint?

Making a complaint can seem stressful. If you feel that you cannot make a complaint yourself, you can:

- ask a friend or relative to help you to write it,
- ask a friend or relative to make the complaint on your behalf,
- get in touch with our complaints advocacy service to see if we can help, or
- get in touch with the Patient Advice and Liaison Service (PALS).

## The Patient Advice and Liaison Service (PALS)

PALS is an NHS service that can give general advice on NHS complaints. They may also be able to help you deal with a less serious complaint.

You can search for your local service at [www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-\(PALS\)/LocationSearch/363](http://www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-(PALS)/LocationSearch/363).



## Making the complaint

Sometimes it may be possible to resolve your concerns immediately, but if this is not the case they:

- Should acknowledge your complaint either verbally or in writing within three working days.
- Must offer to contact you to discuss your complaint and arrange a plan to resolve your concerns with you; this means they will discuss how best to resolve your concerns and what you hope to achieve from raising them.
- They should also agree a timescale with you for resolving the issues and how they will keep you informed of progress. The

suggested timescales can be influenced by things like how many staff they need to speak to, how easy it is for them to access your medical records and if other NHS organisations are involved in your complaint.

- If there is a problem in keeping to the agreed timescale they should contact you before it expires to agree an amended timescale.

An NHS investigation might involve:

- Meeting with you in person visiting the service,
- looking at records,
- interviewing staff members, or
- getting specialist advice.

# 7. What happens next?

If you are not happy with the complaint response you can take your complaint to the 'ombudsman'. You must do this in writing. An ombudsman is an independent body.

This means they are separate from the NHS. They can make recommendations about what should happen if your service has not dealt with things the way you would like.



## **Parliamentary & Health Service Ombudsman (PHSO)**

**Telephone: 0345 015 4033**  
(8.30am-5.30pm Monday-Friday)

**Address:**  
Millbank Tower,  
Millbank,  
London, SW1P 4QP

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

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

You need to complain to the ombudsman within 12 months of the problem you are complaining about.<sup>13,14</sup>

You cannot make a complaint to the ombudsman until the service has given you a final response to your complaint. But, you might be able to go straight to the ombudsman if the service will not look into your complaint without good reason.

## 8. Can 'Healthwatch' help?

If you have concerns about local NHS, you can contact your local Healthwatch. They cannot help you with a complaint.

But, if they think that your issue will affect others they can campaign for better local services.

Your local Healthwatch can also pass information on to national Healthwatch to try to change things across the country.

**You can find out more at**  
[www.healthwatch.co.uk](http://www.healthwatch.co.uk).

## 9. How can I complain about how staff have behaved?

If you want to complain about professional misconduct you can complain to a professional regulator. Professional regulators make sure that health professionals do their job properly. They cannot deal with less serious complaints about staff in the NHS.

If the regulator thinks that the staff member has acted unprofessionally, they can stop them from working in that profession.

The General Medical Council (GMC) can deal with complaints about the serious misconduct of doctors.

### **General Medical Council**

The professional regulator for doctors.

### **Telephone: 0161 923 6602**

(Monday-Friday 8am-6pm, Saturday 9am-5pm)

### **Address:**

Fitness to Practise Directorate,  
General Medical Council,  
3 Hardman Street,  
Manchester, M3 3AW

**Email: [practise@gmc-uk.org](mailto:practise@gmc-uk.org)**

**Website: [www.gmc-uk.org](http://www.gmc-uk.org)**

The Nursing and Midwifery Council (NMC) can deal with complaints about the serious misconduct of nurses.

### **Nursing and Midwifery Council**

The professional regulator for nurses and midwives.

**Telephone: 020 7637 7181**  
(Monday-Friday 8am-5:45pm)

#### **Address:**

Fitness to Practise,  
1 Kemble Street,  
London, WC2B 4AN

**Email: [newreferrals@nmc-uk.org](mailto:newreferrals@nmc-uk.org)**

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

The Health and Care Professions Council (HCPC) can deal with complaints about the serious misconduct of occupational therapists and social workers.

### **Health and Care Professions Council**

Regulates health, psychological and social care professionals.

**Telephone: 0300 500 6184**

#### **Address:**

Park House,  
184 Kennington Park Road,  
London, SE11 4BU

**Email: [registration@hcpc-uk.org](mailto:registration@hcpc-uk.org)**

**Website: [www.hcpc-uk.co.uk](http://www.hcpc-uk.co.uk)**



# 10. Can I take the service to court?

If you feel that the NHS have treated you badly, you may decide to go to court to sort out the problem. If you want this, it is best to get legal advice as soon as possible. A solicitor will help you to think about:

- if you might win your court case,
- if you can deal with the problems without taking the service to court, and
- how much it will cost to take them to court.

## You should think about:

- how much the issue has affected you, and
- how much stress taking them to court would cause you.



# 11. Sample complaint letter

## NHS complaint – one issue

### Private and Confidential

### COMPLAINT

[Your name] [Your address]  
[Day] [Month] [Year]

Complaints Manager

[Service you are complaining about]  
[Address]

Dear Sir/Madam,

### Complaint – Lack of a care plan

I would like to complain that my care coordinator, Joe Bloggs, has failed to complete a care plan for me. I feel that I have not had the services I am entitled to, and my health has deteriorated as a result.

### My difficulty getting a care plan

I started getting help from your service in April 2015. Joe Bloggs became my care coordinator. Since then, I have asked about getting a care plan on the following occasions:

- **April 2015** – When I first started with the team,
- **May 2015** – On my second meeting with Mr Bloggs,
- **June 2015** – September 2015 – On every further meeting with Mr Bloggs,
- **November 2015** – I wrote to Mr Bloggs explaining that the lack of a care plan was having an effect on my health, and I did not get a response.

I have enclosed a copy of the letter I sent to Mr Bloggs in November 2015.

I have still not had a care plan, and Mr Bloggs has said that I could be discharged from the team because I have not seen him since November 2015.

As you will be aware, the Department for Health's 'Refocusing the Care Programme Approach' guidance says that I am entitled to a care plan when I am getting help under the Care Programme Approach.

### **The effect on me**

This situation has affected me in the following ways:

- [My recovery from my illness has been set back]
- [List any other concerns depending on your situation]

### **What I would like**

As a result of this complaint, I would like:

- [List what you would like]
- [An explanation about what my diagnosis means],
- [An apology from the staff who said inappropriate things].

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]

# Essex All Age advocacy Service Rethink

**Saxon House  
27 Duke Street  
Chelmsford  
CM1 1HT**

**Telephone: 0300 7900 559**

**[essexadvocacy@rethink.org](mailto:essexadvocacy@rethink.org)**

Rethink Mental Illness is a charity that improves the lives of people severely affected by mental illness.

Our advocacy services work with and provide support for a wide range of people, not just those affected by mental illness. Our Essex NHS complaints advocacy service is open to anyone in need, but particularly those with disabilities, communication difficulties and additional needs.

# Rethink

## Advocacy

**Leading the way to a better quality of life for everyone severely affected by mental illness.**

For further information  
on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)



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