

Medical Negligence

A guide to NHS complaints



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It is possible for you to complain about the services or treatment you have received from NHS Trusts or Primary Care Practitioners (GP's, dentists, opticians and pharmacists). A new procedure for complaints was introduced in July 2004 and this was amended in April 2009. Anyone who has received or is receiving treatment from the NHS can complain, as can anyone who is affected by the act or omission or the organisation complained about. If they are unable to complain themselves they can obtain assistance from a friend or relative.

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 state that a complaint must be made within 12 months of the matter about which you are complaining happening, or of you realising there is a reason to complain.

It is usually worthwhile to approach the person involved in your care, as they may be able to resolve the issue for you. If the person involved in your care works for a hospital, the Patient Advice and Liaison Service will be happy to help you speak with the clinician involved and assist you in resolving your concerns.

However, if you wish to complain formally you will need to first complete what is known as local resolution. This is designed to offer the organisation complained about a chance to resolve your complaint themselves.

To complain about care given in a hospital you should contact the Complaints Manager at the NHS Trust responsible for the hospital. If your complaint concerns a Primary Care Practitioner you should approach the Practice Manager of the GP surgery, dentist, optician or Pharmacist. If, for some reason you are not comfortable doing this, you are able to contact the Primary Care Trust responsible for the organisation. However, they do have an obligation to allow the organisation complained about to investigate the complaint themselves, so you may find they ask your permission to send the complaint directly to your GP, dentist etc.

A complaint can be made orally or in writing, an oral complaint must be documented by the Complaints Manager/ Practice Manager and placed on the complaint file. Ideally a copy should be sent to you for you to confirm it is an accurate reflection of your complaint. Your complaint should be acknowledged within 3 days of receipt and a full written response should be sent within a reasonable period of time if sent to an NHS trust, and within 10 working days if sent to

a Primary Care Practitioner. It is advisable to contact the NHS trust after 5-6 weeks if you have not received a full response or an update as to progress. You may find that you are offered a local resolution meeting with the members of staff involved in your care during which minutes should be kept and, following the meeting, copies should be forwarded to you.

If, after completing local resolution, you remain unhappy with the responses received you can approach the Parliamentary and Health Service Ombudsman (the PHSO) for an independent review. Please note that the intention behind the new complaint regulations is that more work is completed and resolved at local level, so it is advised that you exhaust all possible avenues to resolve the complaint at local level before approaching the PHSO.

The PHSO is independent of the NHS and they will decide whether or not they are able to take on your case, as they are not obliged to investigate all complaints. The PHSO will not accept cases which have not been through local resolution, and are unlikely to review cases which have been the subject of legal action.

If you require assistance at any point during the NHS Complaints Procedure the Independent Complaints Advocacy Service (ICAS) provide advice and assistance. Please see their contact overleaf.

Get in touch

If you would like to speak directly to a solicitor for free specialist advice please contact us.

This note is for general guidance only. Please contact us for detailed advice.

Healthcare Commission
FREE POST NAT 18958
Complaint Investigation Team
Manchester M1 9XZ

Telephone Number :- 0845 601 3012
Website :- www.healthcarecommisson.org.uk
E-mail :- complaint@healthcarecommission.org.uk

Health Service Ombudsman
Mill Bank Tower
Mill Bank
London SW1 4QP

Telephone Number :- 0345 015 4033
Website :- www.ombudsman.org.uk
E-mail :- phso.enquiries@ombudsman.org.uk

| ICAS Provider | ICAS Region | Contact No. |
|-------------------|------------------------------|---------------|
| | | |
| Citizens Advice | North East | 0845 120 3732 |
| Citizens Advice | Yorkshire and Humberside | 0845 120 3734 |
| Citizens Advice | North West | 0845 120 3735 |
| Citizens Advice | West Midlands | 0845 120 3748 |
| Citizens Advice | South West | 0845 120 3782 |
| Citizens Advice | London | 0845 120 3784 |
| POhWER | Bedfordshire & Hertfordshire | 0845 456 1082 |
| POhWER | Essex | 0845 456 1083 |
| POhWER | Cambridge, Norfolk & Suffolk | 0845 456 1084 |
| SEAP | South East | 0845 600 8616 |
| Carers Federation | East Midlands | 0845 650 0088 |



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