

NHS Complaints Service

How to complain - getting started



This document will help you find out if you can use the NHS Complaints Service and what you can expect to achieve from it.

Who can complain to the NHS?

If you have been affected by the actions or decisions of an organisation which provides or commissions a service paid for by the NHS, you can make a complaint.

Your complaint can help to put things right quickly, and the NHS can learn from your experience. They might respond with an explanation, an apology, and information about how they have used your experience to improve services or care.

If you're complaining on someone else's behalf, it's useful to get their permission in writing. We have a consent form you can use. To get a copy visit our website: www.yvc.org.uk or email: nhsadvocacy@yvc.org.uk or call: **0191 478 6472**

What can I complain about?

Your complaint could be about:

- NHS Hospitals
- GP surgeries
- Pharmacies
- NHS funded care homes
- NHS Community staff
- Private hospital if the NHS fund treatment
- Other NHS staff or clinicians
- Dental surgeries
- Opticians
- Ambulances

Disciplinary action against an NHS staff member

The NHS complaints procedure can't be used to take disciplinary action against a member of staff. This could still happen as a result of the investigation into your complaint, but you won't be told whether this has happened.

Financial compensation for clinical negligence

It's best to contact a solicitor for advice about a potential litigation. There are strict time limits around taking your case to court, so you should do this as soon as possible.

There is no legal aid for this, but some solicitors might be prepared to take a case on a 'no win, no fee' basis. Your local **Citizen's Advice Bureau** may be able to help you with independent legal advice: citizensadvice.org.uk

AvMA (Action Against Medical Accidents) provide free information and advice if you are considering taking legal action. They can help by providing contact details of solicitors in your area who may be able to help with your case. Phone them for advice on 0345 123 2352 or visit avma.org.uk

You can also find details of local specialist solicitors by contacting **The Law Society** on 0207 424 1222 or by visiting lawsociety.org.uk

Complaining about private healthcare

You can only use the NHS complaints process if your complaint is about healthcare that was paid for by the NHS.

To complain about the treatment that you have received from a private dental service, you can contact the **Dental Complaints Service** on 08456 120 540 (Monday to Friday 9am – 5pm), or fill out the complaint form on their [website](#).

If you've paid for private treatment such as privately funded treatment at a care home or nursing home, or used medical insurance, the private healthcare service will have its own complaints procedure that you can follow.

If the NHS paid for your operation in a private hospital, you could still complain to the NHS, because they funded your care.

Identifying your concerns

It's important to list all your concerns right at the beginning, as simply and clearly as you can. Writing a timeline of events will help you to focus and not leave anything out. We have a log sheet template you can use. To get a copy, visit our website: www.yvc.org.uk or email: nhsadvocacy@yvc.org.uk or call: **0191 478 6472**.

Examples of this might be:

- poor treatment or care
- attitude of staff
- poor communication
- waiting times
- lack of information
- failure to diagnose a condition

After you've made your complaint, if you think of any other issues you're concerned about, you'll need to make a separate complaint.

If you want to complain about medical treatment which you did or didn't receive, you might find it helpful to get a copy of your medical records first. See our guidance on how to access them on our website: www.yvc.org.uk or email: nhsadvocacy@yvc.org.uk or call: **0191 478 6472**.

Think about what you want to achieve and try to be specific and realistic.

For example, you might expect:

- an acknowledgment of mistakes that have been made
- an apology from the service
- a change of doctor or care provider
- evidence that changes have been made so that others don't experience the same issues in future

Complaining on behalf of people who are unable to give permission

Some people don't have capacity (for example, due to an illness, impairment or disability) to give their permission for you to make a complaint on their behalf. In these circumstances you can complain on their behalf without their permission, and the NHS Trust will confirm the patient's lack of capacity before accepting the complaint. If they do not accept the complaint, they must inform you in writing and explain their decision.

When complaining on behalf of someone else, the organisation you are complaining about must be satisfied there are reasonable grounds for you to do so on the person's behalf.

People who have died

You can complain on behalf of people who have died without having their permission to complain. If you are next-of-kin to the person who has died, or if someone who is next-of-kin has given consent for you to complain, trusts will

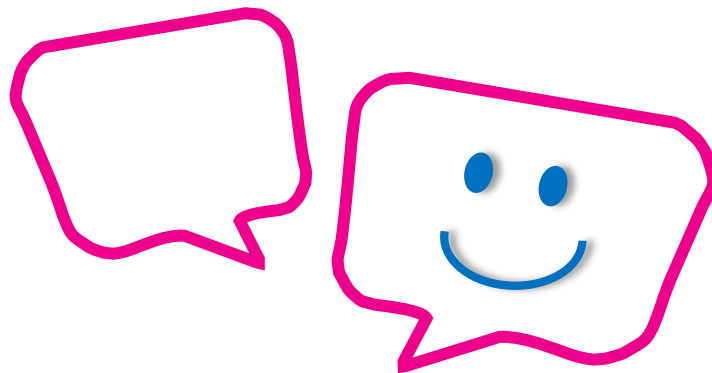
usually accept your complaint. If they do not accept the complaint, they must inform you in writing and explain their decision.

People under 18

You can complain on behalf of a child (under 18) if they are unable to make the complaint themselves. If the NHS organisation decides that the child must make their own complaint, they must inform you in writing and explain their decision.

Disclosing information from medical records

Complaints can involve looking at people's medical records, which are confidential. Relatives, spouses, or partners do not have automatic rights to know what are in the medical records of loved ones, and the NHS organisation will have procedures about when and how it will share this information with others.



If you need to contact us at any point throughout the process you can get in touch by phone, email or through our website.

Phone: 0800 048 7856

Email: nhsadvocacy@yvc.org.uk

Website: www.yvc.org.uk

