

# Raising concerns about NHS services



Your guide to NHS complaints advocacy

How do you raise concerns?

What should you expect from the process?

How can Your Voice Counts help?

## Meeting your needs and speaking your language

We will make every effort to adapt how we communicate with you to meet your needs. Please let us know what your particular needs are, and we will do our best to help.



# NHS Independent Complaints Advocacy Service (ICAS)

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## 1. Introduction

**Everybody has the right to make a complaint about the NHS. This is set out in the [NHS Constitution](#).**

**You can make a complaint in writing or verbally, and the NHS organisation you complain to must acknowledge receipt of your complaint, properly investigate your concerns and tell you how long the investigation will take.**

**It's important if you're not happy with any aspect of your care and treatment that you raise your concerns or make a complaint so that services can learn from your experiences.**

### Who can support you with making a complaint?

The quickest way to resolve an issue with your care, treatment, or the service that you are receiving is to raise your concerns with the staff directly involved. This will give them a chance to put things right immediately and stop things from getting worse.

### Patient Advice and Liaison Service (PALS)

You'll find a Patient Advice and Liaison Service (PALS) in most hospitals. Sometimes this service it's called 'PILS' instead, or just 'the complaints team'. PALS is a service set up by the NHS that can help you resolve issues informally with the hospital. A complaint made through PALS will not usually count as a formal complaint.

Contacting PALS can be particularly helpful if your issue is urgent and you need action immediately, such as a problem with the treatment or care you receive while in hospital.

As well as helping people raise concerns, PALS teams also:

- Offer information and advice about local health services
- Feedback on patients' views for 'NHS PALS'.

You can contact Gateshead PALS on 0191 5667051 or visit the [PALS](#) website for more information.



## Complaints Advocacy

If you feel unhappy about an NHS service you have received and you want to make a complaint, you are legally entitled to help from an advocacy service. Our advocates will support you to do as much as you can for yourself. They cannot make a complaint on your behalf or give you legal or medical advice. Our advocates can sometimes attend complaint resolution meetings with you if you find it difficult to say what you want to say.

## How to read this self-help pack

This pack gives you information to help you feel confident raising your concerns about the NHS. It tells you about the process, how we can support you with the complaint, and how to contact us.

You can choose to 'self-advocate' and raise your concern to the NHS yourself, or you can choose to seek assistance from PALS or from our NHS Complaints Advocacy Service.

Whatever you choose this pack provides a step-by-step guide with important information at each stage of the process and useful tips.

## What is NHS Complaints Advocacy?

The National Health Service (NHS) works hard to make sure patients and their families are satisfied with their services and receive good quality treatment and care. However, sometimes things go wrong, and this might affect you, a friend, or a family member.

You might not be sure about what you can do about the concerns you have about the treatment and care provided. Our NHS Complaints Advocacy Service aims to provide support to the residents of Gateshead who want to raise concerns or make a formal complaint about their experiences with their NHS providers.

In particular, our NHS Complaints Advocates aim to provide support to those who may not have the skills, knowledge, or ability to make a complaint without support.

If you live in another area and are not sure where to get help, you can contact PALS to find out which organisation can assist with NHS Complaints.



## Who can make a complaint?

You can complain about any NHS service you have received that you have been unhappy with. 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.

The NHS Complaints Process cannot help you make a complaint about private healthcare or services that are funded by Local Authorities.

The NHS Complaints Process cannot be used to discipline NHS staff members.

Usually, you should make the complaint yourself; however, someone else can make a complaint on your behalf provided you have given them your written permission.

## People who don't have the capacity to give permission

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

If the person does not have the capacity to give their permission (because of an illness, impairment, or disability) you can complain on their behalf without their permission. 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.

## 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 is 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.

## 2. Accessing our NHS Complaints Service

**If you want support in raising concerns or to make a formal complaint, or just want to have a quick chat about your experiences, don't worry – we can help!**

If you require the support of our NHS Complaints Advocacy Service, and you or the person you are making a complaint on behalf of is a resident of Gateshead, you can call for free on **0800 048 7856** or email your query to [nhsadvocacy@yvc.org.uk](mailto:nhsadvocacy@yvc.org.uk). Our lines have a 24-hour answerphone, so leave a message and somebody will get back to you as soon as possible.

We aim to acknowledge your query within two working days. We'll take some details about you and about your complaint, and we'll aim to provide information about the next steps within 5 working days. We aim to provide you with information about the next steps within five working days.

**Our support is free, confidential, and independent. We don't work for the NHS – we are a local charity available to all Gateshead residents.**

## 3. What can an Advocate do for me?

**Our NHS Complaints Advocacy Service is a free, confidential, and independent service which you can self-refer to at any time. It is available to all Gateshead residents.**

The following lists are to give you a general idea of the role of an NHS Complaints Advocate - more specific roles in each stage of the complaints process will be detailed throughout this self-help information pack.



Our advocates are trained to support you. They are on your side and don't work for the hospital or the NHS. They will make sure you've got all the information about the different options throughout each step of the process.

#### **Our advocates can help you to:**

- Identify the issues you want to complain about.
- Work out what you want to achieve from making your complaint.
- Write a complaint letter and send it to the right people.
- Help you understand the response you get and set out your options about what to do next.
- Contact other services that might be able to help you.

#### **Our advocates cannot:**

- Investigate your complaint.
- Help you to claim compensation.
- Get an NHS employee disciplined.
- Give legal advice or help with legal action.
- Help you with complaints about private medical treatment.
- Give medical advice
- Make a complaint on your behalf

#### **All our advocates must:**

- Be Disclosure and Barring Service (DBS) checked
- Have undergone at a minimum level 1 safeguarding training
- Follow the nationally recognised Code of Practice for Advocates
- Following Your Voice Counts policies, including those on equality and diversity, data protection, risk management, and lone working.

## **Levels of support**

### **Our NHS Complaints Advocacy Service offers three levels of support:**

**Level 1:** Self-help advice – whether that's giving you the telephone number of the local PALS or complaint department, providing an overview of your complaint rights, or advice on how to manage your own complaint, including signposting to our online guides. This will suit literate people who are able to manage their own correspondence and speak for themselves.

**Level 2:** Supported self-help – this includes all the help offered at Level 1, plus some extra input for people who might need more time or assistance to empower them to handle the complaint themselves. This might involve a one-off 60-minute meeting with an advocate, either in person at our Gateshead



office, or using a remote video application (such as Zoom WhatsApp or Teams) to get detailed advice; telephone feedback from an advocate on the wording of your draft complaint letter; or a quick call to check your options once an organisation has responded to your complaint.

**Level 3:** Full advocacy support – this service is for people who need an advocate to manage the complaint on their behalf because they have extra needs or are vulnerable due to factors such as ongoing illness, being recently bereaved, having a disability, or being unable to fully understand or communicate.

Some people who feel very let down or whose concerns are very serious may feel emotionally unable to directly communicate with the NHS service. If an advocate manages your complaint, their support could include:

- Meeting you at your home or place of care
- Adapting to your communication needs, such as Easy Read, a translator, or an interpreter
- Writing and submitting complaints on your behalf
- Ensuring the NHS organisation responds by the deadline
- Ensuring the NHS organisation responds in a way you can understand
- Putting across your views at a local resolution meeting
- Regular updates on the progress of your complaint and your options at every stage
- Taking your case to the Parliamentary and Health Service Ombudsman if you choose

## 4. NHS Complaints Process

**For some people, the NHS Complaints Process may be a confusing or complicated process to navigate. The aim of The NHS Complaints Advocacy Service is to make sure you understand the process and the options that are available to you at each stage so that you can make an informed decision.**

**The framework for handling NHS complaints consists of a universal two-tier process comprising of:**

### **Stage 1: Local Resolution**

Local resolution is important because it gives you an opportunity to explain what you are unhappy about and what you would like to happen. This may be an explanation of what went wrong, an apology, or improvements to





current practices and procedures. The aim of the NHS Complaints Procedures is to resolve issues at a local level where possible and many complaints are resolved at this stage.

### **Stage 2: The Health Service Ombudsman**

If after progressing through stage 1 of the complaints procedure you are still unhappy with how your complaint has been dealt with you can refer the matter to the Parliamentary and Health Service Ombudsman (PHSO), which is independent of the NHS and government. If you would like more information about the Health Service Ombudsman, you can visit their website:

[www.ombudsman.org.uk](http://www.ombudsman.org.uk) or telephone on 0345 015 4033

### **Disciplinary action against an NHS staff member**

Disciplinary action against an NHS staff member is not an outcome that can come from the NHS complaints process. However, it could happen as a separate procedure as a result of the investigation.

## **5. Raising concerns**

**Most people are happy with their NHS treatment however if this is not the case and you are unhappy with the service you or others have received you can raise concerns about it.**

**Giving feedback is encouraged as it allows the NHS to learn from your experience and can help to put things right quickly.**

### **Raising concerns**

#### **Step 1**

It's important to think carefully about what it is that you're unhappy about, for example:

- is it the treatment?
- is it the behaviour of the staff?
- is this about waiting times?



## Step 2

Think about what you want to achieve from raising the concern, you'll need to be realistic and specific for example:

- do you want acknowledgment, an apology for what happened?
- do you want information about how the NHS service provider has used this experience to improve their services and care?
- would a follow-up appointment help resolve the issue?

## Step 3

There are different ways to make a complaint or raise a concern. These are:

- You can raise your concerns directly to those you have concerns about or to their managers. You can do this verbally or in writing. You can request to meet with the relevant people in the NHS organisation to discuss your concerns.
- Speak with PALS or the person responsible for patient experiences.
- Use the NHS complaints procedure. This route is best if you have raised concerns and do not feel they have been resolved, or if your concerns are about complex issues which need investigating. It may be that your complaint involves more than one organisation.

## Patient Advice and Liaison Service (PALS)

Some matters require immediate attention, for example, if you are concerned with treatment or care or would like to raise an alert about an incident in the hospital.

If you don't want to raise a formal complaint and would like to resolve the matter as soon as possible, you may want to discuss your concerns with PALS first to try to resolve the problem locally.

You'll find PALS in most hospitals. Sometimes it's called 'PILS' instead, or just 'the complaints team'. PALS is a service set up by the NHS that can help you resolve issues informally with the hospital. A complaint made through PALS will not usually count as a 'formal complaint'.

Contacting PALS can be particularly helpful if your issue is urgent and you need action immediately, such as a problem with the treatment or care you receive while in hospital.

As well as helping people raise concerns, PALS teams also:

- Offer information and advice about local health services
- Feedback on patients' views for 'NHS PALS'.

You can contact Gateshead PALS on 0191 5667051 or visit the [PALS](#) website for more information.



PALS does not investigate formal complaints and does not replace the NHS Trust formal complaints process.

If you are still unhappy after contacting PALS and wish to make a formal complaint, with your consent, both PALS and our NHS Complaints Advocacy Service can refer your case to each other if there is a mutual agreement and you feel that this would be the best course of action for you to help resolve the issue.

### **Raising concerns - How can our NHS Complaints Advocates support you?**

Your NHS Complaints Advocate can:

- Contact you to discuss the problem
- Liaise with PALS on your behalf, with your consent, and chase any queries you might have made
- Help you explore Stage 1 of the NHS Complaints Process (if necessary)

## **6. NHS complaints procedure – Stage 1**

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

You are not required to raise your concerns informally first in order to write a formal complaint, or you might have already raised your concerns informally and you're not happy with the outcome. The [NHS Constitution](#) explains your rights when it comes to making a complaint.

### **Stage 1 – How can my NHS Complaints Advocate support me?**

Your NHS Complaints Advocate can:

- Contact you to discuss the problem
- Liaise with the NHS complaints department, on your behalf, with your consent and chase any queries you might have made
- Help you arrange any resolution meetings to discuss your problem with the relevant people
- Help you draft a formal complaint letter
- Help you understand the NHS service's response to your complaint
- Provide you with information about the next steps
- Prepare your complaint for independent review Stage 2 (if required)



## Stage 1 – Local Resolution

The aim of this stage is to try to resolve your issue directly with the NHS organisation. They should respond to you promptly and efficiently.

Local resolution will give you the opportunity to say what you are unhappy about and what you would like to happen. It gives both you and the NHS organisation time to discuss what happened. You should raise anything you are concerned about at this stage as you cannot add new issues to the complaint once the process has started.

### Time limits for making a complaint

Generally, you should make your complaint within:

- 12 months of the incident happening
- or
- 12 months of realising you have something to complain about

On some occasions, the NHS will use its discretion to look at complaints outside of these timescales, for example, if you were too ill to make the complaint at the time.

## Structuring your complaint

### Writing and sending a complaint letter

It's important to list all your concerns right at the beginning, as simply and clearly as you can. Be clear about what you want to be investigated under the NHS Complaints Procedure. If you are writing on behalf of someone else rather than for yourself, you must show that you have their permission unless there are reasons why this is not possible.

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](http://www.yvc.org.uk) or email: [yvc.uk@nhs.net](mailto:yvc.uk@nhs.net) or call for free: **0800 048 7856**.

If you want to complain about the medical treatment which you did or didn't receive, you might find it helpful to get a copy of your medical records first.



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

## Where to make your complaint

You can complain to either the Provider or the Commissioner of the NHS service you are unhappy about.

- NHS England is the commissioner or purchaser of Primary Care i.e. GPs, dentists, opticians, pharmacies, and some specialised services
- Clinical Commissioning Groups commission hospital services, mental health services, out-of-hours services, and 111 services amongst others.

## Helpful tips

### Be brief

- try to keep your complaint to no more than two pages
- be careful not to lose your main points in a long letter
- if the complaint is long and complex, attach a timeline or diary of events with details

### Be clear and straightforward

- use short sentences
- don't be afraid to say what has upset you, but avoid 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
- explain what you would like to achieve as a result of your complaint. E.g. an apology, an explanation, a service improvement, any other remedy



## Keep copies

- keep a copy of all letters sent and received in date order

## Send photocopies of documents, not originals

- keep the original documents in your possession

## Make sure your letter is received

- consider sending it by guaranteed or recorded delivery post

## Example framework for the first letter of complaint

**PRIVATE AND CONFIDENTIAL**

**Insert your address  
and telephone number**

### **The Complaints Manager (name if known)**

Followed by the name and address of their organisation

- GP / Clinical Commissioning Group
- Dental Surgery
- Hospital Trust or
- NHS Commissioning Board

Date:

Dear

### **Re: NHS Complaint – Complainant's Name, Date of Birth**

I am writing to complaint about the treatment I received from *[.....name(s) of staff]* at *[.....place where the incident happened / treatment received]* on *[.....date of incident / period of treatment]*.

*OR – if you are acting on behalf of someone/*

I am writing on behalf of *[.....insert the person's name]*, and I enclose their written agreement to act on their behalf.

*If the person is unable to give consent for example, if they are too young, ill or deceased, then you should explain this/*

*Describe*



- *what happened*
- *when, and*
- *where*

*If you have a timeline, list of events, you can attach this as a separate sheet and refer to this here.*

*Explain what, if anything, you have already done to try and resolve matters.*

I would like the following points addressed in response to this complaint.

- *Put the most important matters first*
- *Explain why you are not satisfied*
- *Be clear and brief*
- *Number or bullet your points*
- *Ask the questions you would like the answers to and list them in order of importance*

As a result of this complaint, I would now like:

*Say what you want to achieve, for example,*

- *An explanation of what happened*
- *An apology*
- *Action by a named person*

I would like you to carry out a full investigation into my concerns and provide a response in accordance with the NHS Complaints Procedure.

I look forward to receiving your acknowledgement of this letter. Please do not hesitate to contact me if you need further information.

Yours sincerely *(if you have written to a specific named person)*

OR

Yours faithfully *(if you have not written to a specific named person)*

*Your signature*

*Print your name*

*cc. other party – if you are sending copies of your letter to other parties, show this here*

### **Writing a formal complaint letter – How can our NHS Complaints Advocates support you?**

- Help you draft the letter with your concerns
- Proofread the letter before you send it to the relevant NHS complaints department
- Make sure all your concerns are expressed clearly and your desired outcomes are included
- Provide you with the details of where you need to send the letter

## **Acknowledging your complaint**

You should receive a letter of acknowledgement within **three working days**.

The NHS should contact you to discuss your complaint and arrange a plan to resolve your concerns with you. This means that they will discuss how best to resolve your 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.

The NHS organisation must respond to your complaint within **6 months** of receiving your complaint.

The deadline for response will depend on the complexity of your case. As a rule, if your case can be easily investigated and resolved, the NHS services aim to respond to complaints within 25 working days. 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 whether other NHS organisations are involved in your complaint. If there is a problem in keeping to this timescale, they should contact you before it expires to agree an amended timescale.





## TIPs – after submitting your complaint

You've made your complaint but didn't receive an acknowledgment or any timeframe information about when you should expect to hear from them, what do you do now?

- Don't hesitate to call them
- Ask about your complaint reference number and ask to speak to the complaints officer handling your case, your complaints officer should be able to tell you how long investigating your case will take.

It's been over 6 months and you still haven't received their response to your complaint, what happens now?

- You should receive regular updates about your case. If the NHS Service fails to meet their initial agreed deadline to respond to your complaint, they should inform you as soon as possible, give you the reasons for the delay and a new mutually agreed timeframe should be applied.

If the service fails to respond to you within 6 months of making the complaint, speak to our NHS Complaints Advocacy Service to find out what you can do next.

## Local Resolution Meetings

Whether you're raising concerns and discussing your problems informally or making a formal complaint, your NHS provider may offer to meet with you to answer your questions and to discuss your concerns in more detail.

### What is a local resolution meeting?

Local resolution meetings are usually arranged by the NHS service to give you the opportunity to discuss your concerns with a member of staff from the complaints department.

Local Resolution meetings can give you and the NHS Service the opportunity for the NHS Service to discuss and answer some of your questions and respond to your concerns before the final response to your complaint. If your request for a local resolution is declined, you should be informed of the reasons by the NHS Service.

### How can our NHS Complaints Advocacy Service support me during local resolution meetings?

Before your local resolution meeting our advocates can:

- Help you prepare for the meeting
- Note points and concerns you want to raise at the meeting
- Help you organise your concerns within the time given for the meeting

During the local resolution meeting our advocates can:

- Support you at your meeting
- Ask for something to be explained more simply or for clarification, to make sure you have understood the explanation provided or if they feel the questions raised were not answered.
- Reiterate your concerns. **They cannot raise points not discussed with you or ask questions of their own.**
- Ensure the meeting is as productive as possible by checking off the points that have been covered. **They cannot take minutes.**
- They can highlight where apologies or explanations have been provided, but if you are still unhappy or want more information, your advocate will not prevent you from asking the same question again.

After the local resolution meeting our advocates can:

- help you understand the information provided in the meeting
- discuss with you the points raised in the meeting. **They cannot offer their own opinions on a complaint or discuss issues that fall outside of the NHS complaints process i.e. legal action**
- discuss next steps (if necessary)

## Understanding the NHS's response

After the NHS complaints department has finished its investigation, you should receive a letter from the complaints officer or head of the department which will include:



- A summary of your complaint
- The findings from the investigation and any actions that are going to be taken as a result of the investigation
- what you can do if you are dissatisfied with the answers given

Sometimes a deadline is given for you to discuss any of the matters raised in the response letter. If they do not hear back from you, the case may be closed. If your case has been closed, try to contact them as soon as possible as it can be reopened under exceptional circumstances.

If you are unhappy with the outcome of your complaint or the way your complaint was handled, you can:

- write a letter explaining what you think has not been covered
- telephone the person dealing with your complaint to discuss this
- request a meeting

If the NHS organisation you have complained about feels that everything has been done to answer your concerns, they will write to you and advise you of this.

**This is the end of the local resolution stage.**

If you are still not satisfied, you can escalate your complaint to Stage 3 for an independent review by the Parliamentary and Health Service Ombudsman (PHSO).

**Understanding the NHS's response – How can my NHS Complaints Advocate support me?**

Your NHS Complaints Advocate can:

- help you to understand the information in your response letter
- help you arrange any resolution meetings to discuss your problem with the relevant people (if possible)
- help you draft a response to the NHS response letter (if necessary)
- help you escalate your complaint to Stage 3 if you are unhappy

## 7 Health Service Ombudsman – Stage 2



Once you have completed local resolution you have the right to take your complaint to the Parliamentary Health Service Ombudsman (PHSO). This is a free confidential service. The Ombudsman will look at every complaint sent to them, but they do not investigate every complaint. You need to have completed Local Resolution first.

The Ombudsman will not investigate a complaint just because you do not agree with the decision made by the NHS service, you will need to offer evidence as to why the NHS's decision is wrong or unsatisfactory. The PHSO's primary aim is to ensure that your complaint was handled according to the NHS Complaints Regulations and to make sure the NHS service responded to you fairly.

Visit the [PHSO website](#), or call them, to find out if they are able to support the kind of issue you need help with.

**The Ombudsman is considered the final stage for unresolved complaints.**

### Contacting the Ombudsman

When you contact the Ombudsman, they will ask you to complete an online or paper form to make your complaint. Fill this in as fully as you can. You'll need to enclose the final decision letter from the organisation you're complaining about.

#### Step 1 – What happens once they receive your complaint

The Ombudsman begins with initial checks to make sure they can deal with your complaint this includes looking into the organisation and the issues you are complaining about and whether you have exhausted the organisation's own complaints process. The Ombudsman aims to complete these checks within five working days and will inform you of their decision shortly after.

#### Step 2 – Deciding whether to investigate your complaint

Whether the Ombudsman decides to investigate your case or not, you will be informed of their decision in writing or via email within **20 working days** of receiving your complaint. If they decide to investigate your complaint, they look at several things including, the personal impact the cause for complaint has had on you, whether you have, or had, the option of taking legal action instead, and whether there are signs that the organisation's actions have had a negative effect on you.



### Step 3 – Investigating your complaint

If the Ombudsman has decided to investigate your complaint, they will talk to you about your concerns and what they will be investigating. They will also let you know how long the investigation will take and will keep you regularly updated. Before making their final decision, the Ombudsman gathers all the information from yourself and the organisation you have complained about.

If the Ombudsman decides to uphold your complaint, they will inform you of their findings and can recommend what the organisation should do about it.

## Secondary Review

### What can you do if you're not satisfied with the Ombudsman's decision?

If you are not happy that the Ombudsman has either decided not to uphold or investigate your complaint, or you are not happy with their findings, you can resubmit your complaint for a secondary review by the Ombudsman.

The secondary review is a process where the Ombudsman decides whether their initial decision was right or wrong. Again, the Ombudsman will not simply reconsider looking at your complaint just because you disagree, the reasons for a secondary review must meet the investigation criteria and you must provide evidence as to why you feel their decision was wrong.

If you would like to know more about this part of the process, you can speak to the customer care team for the Parliamentary Health Service Ombudsman on 0345 015 4033.

**The Ombudsman's decision about your complaint is final.**

#### Stage 2 – How can my NHS Complaints Advocate support me?

Your NHS Complaints Advocate can:

- Help you to understand the information in your letter from the Ombudsman.
- Liaise with the Ombudsman on your behalf, with your consent, and chase the response (if necessary)
- Help you to complete the form requesting the Ombudsman to look at your complaint
- Help you prepare the evidence to go with your form
- Provide you with information about the Secondary Review if you are dissatisfied with the Ombudsman's decision

## 8 NHS complaints procedure - limits



### When can you not use the NHS complaints procedure

#### 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 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 will take on the 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](https://citizensadvice.org.uk)

AvMA (Action Against Medical Accidents) provides 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](https://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](https://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 9 am – 5 pm), 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.

## 9 Useful Contacts



Action against Medical Accidents

[www.avma.org.uk](http://www.avma.org.uk)

Telephone 0845 123 2352

A charity working for patient safety and justice. It offers information and advice to support people affected by medical accidents.

Care Quality Commission

[www.cqc.org.uk](http://www.cqc.org.uk)

Telephone 03000 61 61 61

Independent regulator of adult health and social care services in England and can investigate complaints about use of the Mental Health Act 1983.

General Dental Council

[www.gdc-uk.org/](http://www.gdc-uk.org/)

The General Dental Council is responsible for registering all dentists and dental care professionals who practise in the UK and investigating concerns about their 'fitness to practice'.

General Medical Council

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

the organisation to contact if you have a concern about a doctor's 'fitness to practice'.

General Optical Council

[www.opitcal.org/](http://www.opitcal.org/)

The regulator for opticians, optometrists, dispensing opticians and optical businesses practicing in the UK

General Pharmaceutical Council

[www.pharmacyregulation.org](http://www.pharmacyregulation.org)

Telephone 0203 713 8000

The organisation to contact if you have concerns about a pharmacy's or pharmacist's 'fitness to practice'.

Health and Care Professionals Council (HCPC)



[www.healthwatch.co.uk](http://www.healthwatch.co.uk)

Telephone 03000 683 000

Local Healthwatch can signpost to the local independent NHS Complaints Advocacy Service.

NHS England

[www.england.nhs.uk/contact-us/complaint/complaining-to-nhse/](http://www.england.nhs.uk/contact-us/complaint/complaining-to-nhse/)

Telephone 0300 311 22 33

Can as to investigate complaints about primary care services if you do not wish to complain to the service itself.

Parliamentary and Health Service Ombudsman

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

Telephone helpline 0345 015 4033

This Ombudsman investigates complaints about NHS care in England.



**0800 048 7856**

NHS Complaints Advocacy  
Your Voice Counts, Unit 12  
Interchange Centre, West  
Street, Gateshead, NE8 1BH



[nhsadvocacy@yvc.org.uk](mailto:nhsadvocacy@yvc.org.uk)



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