



Independent NHS Complaints Advocacy

Your guide to making a complaint



“Making advocacy a *right* not a privilege”



Registered Charity No: 1048075 Company No: 3068125

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Independent NHS Complaints Advocacy



Asist Advocates are **not** part of the NHS.
Independent NHS Complaints Advocacy is **free**.

If you are unhappy about your NHS care and treatment and are not sure where to start, you can contact us to speak to an **Asist Advocate**.

Asist Advocates can help by:




Providing information for you about making a complaint and signposting you to organisations so you can share your experiences about your NHS care or treatment.



Guiding you through the complaints process, sharing information with you and keeping in touch with you whilst you make your complaint.

Working with you, offering practical support to help you to speak up, to give feedback or to make your complaint.

Asist Advocates can: 	Asist Advocates cannot: 
Help and work to protect your rights	Investigate NHS complaints
Ensure your views are heard	Give medical or legal advice
Offer practical support	Provide counselling
Prepare you for, and attend meetings with you about your complaint	Recommend what you should do
Provide options to you so you can make informed decisions	Provide a secretarial service
Support you to complain and find out who to complain to	Help with any issue outside of the NHS Complaints Procedure

The NHS Constitution Complaint and redress:



You have the right to have your complaint acknowledged within 3 working days and to have it properly investigated.

You have the right to discuss the manner in which the complaint is to be handled, and to know the period within which the investigation is likely to be completed and the response sent.



You have the right to be kept informed of progress and to know the outcome of any investigation into your complaint, including an explanation of the conclusions and confirmation that any action needed as a result of the complaint has been taken, or is proposed to be taken.



You have the right to take your complaint to the Parliamentary and Health Service Ombudsman or Local Government Ombudsman, who are independent, if you are not satisfied with the way your complaint has been dealt with by the NHS.



You have the right to make a claim for judicial review if you think you have been directly affected by an unlawful act or decision of an NHS body or local authority.



You have the right to compensation where you have been harmed by negligent treatment.



Your Rights under the NHS Complaint Regulations:



You have the right to advocacy support with an NHS complaint.



You have the right to make a joint Health & Social Care complaint.



You have the right to request access/copies of your medical records.

The NHS pledges to:

- Ensure that you are treated with courtesy and you receive appropriate support throughout the handling of a complaint; and that the fact that you have complained will not adversely affect your future treatment.
- Ensure that the organisation learns lessons from complaints and claims and uses these to improve NHS services.
- Ensure that when mistakes happen or if you are harmed while receiving health care, you receive an appropriate explanation and apology, delivered with sensitivity and recognition of the trauma you have experienced and know that lessons will be learned to help avoid a similar incident occurring again.





How to raise a concern

A concern (or feedback) is voicing unhappiness which can be resolved quickly, without an investigation, or correspondence.



Face to face: for a GP, dental or pharmacy service, speak to the Practice Manager or person in charge. For hospital services you can speak to the Patient Advisory & Liaison Service (PALs). *See useful contacts.*



Telephone: for a GP, dental or pharmacy service, speak to the Practice Manager or person in charge. For hospital services you can speak to PALs.



Speaking up: *can be an effective way to change something and can be a powerful way to help you resolve your issue.*

How to make a complaint

A complaint is verbal and written expressions of unhappiness which take time to resolve. It requires an investigation and the results are in writing.



Face to Face: for a GP, dental or pharmacy service, you can speak to the Practice Manager or person in charge. Ask them to write down what you tell them and send you a copy.



Telephone: For hospital services, you can ask to speak to the Complaints Team. Ask them to write down what you tell them and send you a copy.



Letter or email: for GP, dental or pharmacy services, write a letter or email the person in charge to the organisation that bought the service (Integrated Care Board (ICB) or you may write to NHS England and NHS Improvement. For hospitals or ambulance services, you will need to write to the Chief Executive at the Trust HQ. You need to describe what happened, ask specific questions, and say what you want to achieve. *See useful contacts.*

The NHS Complaints Procedure

Local Resolution



- Start by complaining to the NHS organisation that provided your care, or to the NHS organisation that bought the service.



- Tell the NHS to investigate your complaint under the **NHS Complaint Regulations**.



- You don't need copies of medical records, but it can sometimes help; contact the NHS organisation directly about this.



- The NHS has up to 3 working days after receiving your letter to **acknowledge** receipt either in writing, by email, or by telephone.



- The NHS should offer to discuss your complaint with you to make sure they fully understand your issues.
- You should receive a **Complaints Plan** listing the specific issues to be investigated and an expected completion date.
- The time-scale for the NHS to respond to, is one the NHS sets. If they need more time, they should agree a new timescale with you.
- Once the investigation is complete, you should be sent a **written response** and you may be invited to a local resolution meeting.

The NHS's response letter should include:



- a summary of your issues and answers to your questions,
- an apology (if appropriate), and details of any actions to be taken,
- information about your rights to take further action if you are dissatisfied and wish to take further action,
- if your complaint has been fully upheld, partially upheld, or not upheld, along with reasons why.



Constructing an effective letter of complaint

Insert **your name**
Full Address
including postcode
telephone number
and /or Email address

PRIVATE AND CONFIDENTIAL

Chief Executive's Office or Complaints Manager

Name and
Full Address
of the organisation
including postcode

Date:

Dear Sir/Madam/Name (if known)

RE: NHS Complaint

Patient's name, Date of birth, NHS number (if known)

EITHER

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

OR [if you are acting on behalf of the patient]

I am writing on behalf of [insert name of patient], **and I enclose their written**
agreement to act on their behalf. [If the patient is unable to give consent for
example, they are too young, ill, or deceased, then you should explain this here].

Describe:

What happened

Why you are unhappy

If you are unable to recall events because you were unwell at the time e.g.,
undergoing surgery, include details given to you by third parties explaining how
they were made aware of this information.

If you have a list of events, attach it as a separate sheet, and refer to it here.



What it is you want the NHS to do?

Explain any actions that you have already done to try to resolve matters and try to keep your wording as straight-forward as you can.

Please respond to the following questions/comments:

1. Ask specific questions in order of importance
2. Remember to number your questions
3. Try to be as clear as possible, and
4. Try to keep your questions brief

I would also like... (Optional)

Say what you want to achieve for example: **I would also like**

- An apology from a named person
- An explanation for
- An action to remedy the problem
- Learning from your complaint

Finish your letter off with

Please carry out a full investigation into my complaint and provide a written response in accordance with the NHS Complaint Regulations.

I look forward to receiving your acknowledgement in writing.

Yours sincerely

Your signature

If you are sending copies of your letter to other people, show this here.

cc. [another person's name]

Enc. Signed consent (if you are complaining on behalf of someone else.)

List of events

Local Resolution Meetings

You may be invited to (or you can ask for) a Local Resolution Meeting (LRM). If you decide to go, you can take someone with you such as an **Asist Advocate**. It's good practice to prepare and share your questions with the NHS in advance, so they can answer your questions at the meeting.

This is your opportunity to say in person why you are still unhappy. Meetings are usually held at the organisation where the complaint is, and the venue should be suitable for you. Department Heads usually represent staff, as they have the authority to apologise on their behalf and to agree necessary actions.

Tip: *If you wish for someone specific from the NHS to attend, you have the right to ask, but be aware this may not be possible.*



Everyone should introduce themselves and the NHS should provide a chairperson and a note taker and gain approval if the meeting is to be digitally recorded.

Ask for something to be repeated if you don't understand something. Try to remain calm, ask for a break, or if you don't feel able to continue, ask if it can be re-arranged.

At the end of the meeting, the NHS should confirm any actions they have agreed with you. They should send you a copy of summary notes, and a copy of the CD recording (if appropriate) stating if your complaint has been partially upheld, upheld or not upheld, with apologies or explanations provided.

Tip: *You do not have to tell the NHS if you are happy with the outcome at the end of the meeting. It's reasonable for you to say that you need time to think about things.*

Parliamentary & Health Service Ombudsman



The Parliamentary & Health Service Ombudsman is an independent and **free** complaint handling service that makes **final decisions** on complaints that have **not** been resolved by the NHS in England. It also makes **final decisions** on complaints that have **not** been resolved by UK government departments and some UK public organisations.



The Ombudsman is not part of the NHS or the Government.



The Parliamentary and Health Ombudsman can investigate complaints about NHS organisations in England including hospitals, GP surgeries, dental practices, or any treatment in a private setting if it is NHS funded.

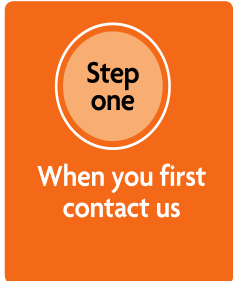
If you are not happy with your NHS service, **before contacting the Ombudsman** you need to complain to the NHS organisation in writing, so that it has a chance to put things right.



If you have made a formal complaint to the NHS organisation and you don't feel that your complaint has been resolved (at least after 6 months) you can get in touch with the Ombudsman. You need to fill in the Ombudsman's application form and send in all local resolution complaint paperwork. It is important to note there is a 12-month time-scale to meet.

An investigation is the final step in the process but **not all complaints** that go to the Ombudsman will go through to this step. If you need help with your application, you can ask an **Asist Advocate** to guide you through making your written application and to help you to understand their final report.

The Ombudsman's Process



Fill in the Ombudsman's application form (available on their website), *See useful contacts*. Send the completed form with a copy of your **complaint correspondence to date**. The Ombudsman will first assess your application to decide **if they should investigate**. They do this by checking that a) it is within their remit, b) that it's within the 12-month timescale and c) that Local Resolution has concluded.



The Ombudsman may decide that the NHS has made mistakes **but** feel they have already done what it can to resolve your complaint. The Ombudsman only investigates **if they decide** there is still a problem.



If the Ombudsman decides to investigate your complaint further, they will collate the facts to establish what has happened, then weigh up the evidence and make a draft report for you and the NHS to comment on. Then they make a **final decision** on your complaint.



If the Ombudsman finds that an NHS organisation has got things wrong, they can recommend that the organisation provides an **explanation** or an **apology** or recommend they **takes action** to try to stop the same mistakes from happening again.

If the Ombudsman decides there were no failings by the NHS organisation or there were failings, but the NHS organisation has done the right thing to resolve your complaint, they will explain this decision to you. An **Asist Advocate** can discuss their findings with you and help you to understand their final decision letter.



Social Value



Advocacy promotes social inclusion, equality, and social justice. It takes action to help people say what they want, secure their rights, represent their interests, and obtain services they need.

Advocacy Charter 2002, Action for Advocacy

For every £1 invested into Asist, the social return on investment is £5.06. If you wish to make a donation, no matter how big or small, every penny counts, please feel free to contact the Asist office.

Through our advocacy work, we identify common issues and problems that people are experiencing with the NHS in our local area. We keep every advocacy partner's information **confidential** whilst sharing information about trends to our commissioner as well as Healthwatch Stoke.



Collects information about the problems people have with the NHS and report back what needs to be done to improve things for everyone in our local area. You can share your health experiences with Healthwatch when you want things in the NHS to change and don't want to make a complaint.





Organisation and Descriptor	Contact Details
<p>University Hospitals of North Midlands NHS Trust</p> <p>Two sites, Royal Stoke University Hospital and County Hospital providing a full range of general acute hospital services for people living in and around Staffordshire and beyond. The Trust provides specialised services, such as Trauma, in the wider area, including neighbouring counties and North Wales.</p> <p>Patient Advice and Liason Service (PALS)</p>	<p>Phone: 01782 715 444 Email: complaints.department@nhs.net Website: www.uhnm.nhs.uk Address: University Hospitals of North Midlands NHS Trust, Royal Stoke Hospital, Trust HQ, Newcastle Road, Staffordshire, ST4 6QG</p> <p>Phone: 01782 676450 or 01782 676455 Email: patientadvice.uhnm@nhs.net</p>
<p>North Staffordshire Combined Healthcare NHS Trust</p> <p>We are one of the main providers of mental health, social care and learning disability services in the West Midlands.</p> <p>Patient Advice and Liason Service (PALS)</p>	<p>Phone: 01782 275031 Email: complaints@northstaffs.nhs.uk Website: www.uhnm.nhs.uk Address: North Staffordshire Combined Healthcare NHS Trust, Trust HQ, Lawton House, Bellringer Rd, Trentham Staffordshire, ST4 8HH</p> <p>Phone: 01782 275037 Freefone: 0800 3899676 Email: patientexperienceteam@northstaffs.nhs.uk Website: www.combined.nhs.uk</p>
<p>West Midlands Ambulance Service University NHS Foundation Trust (WMAS)</p> <p>We are the second-largest ambulance service, and the first university ambulance trust in the UK, responsible for providing NHS ambulance services within the West Midlands region.</p> <p>Patient Advice and Liason Service (PALS)</p>	<p>Phone: 01384 246366 Email: complaints@wmas.nhs.uk Website: http://www.wmas.nhs.uk Address: West Midlands Ambulance Service, University NHS Foundation Trust, Trust HQ, Waterfront Business Park, Brierley Hill, West Midlands, DY5 1LX</p> <p>Phone: 01384 246370 Email: pals@wmas.uk</p>
<p>NHS England and NHS Improvement (NHSE&I)</p> <p>From 1 April 2019, NHS England and NHS Improvement are working together as a new single organisation to better support the NHS to deliver improved care for patients.</p>	<p>Phone: 0300 311 22 33 Email: england.contactus@nhs.net stating: 'For the attention of the complaints' in the subject line. Website: www.england.nhs.uk/ Address: NHS England, PO Box 16738, Redditch, B97 9PT</p>
<p>Parliamentary and Health Service Ombudsman</p> <p>We make final decisions on complaints that have not been resolved by the NHS in England and UK government departments and other public organisations.</p>	<p>Phone: 0345 015 4033 (Mon-Fri 8.30- 5.30pm) Email: phso.enquiries@ombudsman.org.uk Website: www.ombudsman.org.uk/ Address: PHSO, Millbank Tower, Milbank, London, SW1P 4QP</p>



Healthwatch Stoke Share your health experiences when you want things in the NHS to change, but don't want to make a complaint.	Phone: 03303 130 247 Email: info@healthwatchstoke.co.uk Website: www.healthwatchstokeontrent.co.uk/
Healthwatch Staffordshire Provides an independent voice to ensure the views of patients and their loved ones are considered by decision-makers. This service is now being delivered by Support Staffordshire.	Phone: 0300 777 1207 Email: info@supportstaffordshire.org.uk Website: http://www.supportstaffordshire.org.uk/
General Medical Council (GMC) Helps to protect the public working with organisations that register and regulate people working in health and social care.	Phone: 0207 389 8030 Email: info@professionalstandards.org.uk Website: www.gmc-uk.org/
Nursing and Midwifery Council (NMC) We are the regulator for nursing and midwifery professions in the UK, maintaining a register of all nurses, midwives and specialist community public health nurses and nursing associates eligible to practise within the UK.	Phone: 0207 681 5248 Website: www.nmc.org.uk/ Email: fitness.to.practice@nmc-uk.org
Care Quality Commission (CQC) The independent regulator for health and social care services.	Phone: 03000 616 161 Email: enquiries@cqc.org.uk Website: www.cqc.org.uk/
Information Commissioner's Office (ICO) Is a non-departmental public body which reports directly to Parliament and is sponsored by the Department for Digital, Culture, Media and Sport.	Phone: 0303 123 1113 Website: ico.org.uk/
Dove Bereavement Service Grief support charity providing services who have issues relating to bereavement, loss or life-changing illness.	Phone: 01782 683 155 / 683 153 Email: enquiries@thedoveservice.org.uk Website: www.thedoveservice.org.uk/
Action against Medical Accidents The UK charity for patient safety and justice giving free, independent advice on options available to you.	Phone: 0845 123 2352 (Mon-Fri 10-3.30pm) Website: www.avma.org.uk/
The Law Society of England and Wales The independent professional body and voice for solicitors, driving excellence and safeguarding the rule of law.	Phone: 0207 242 1222 (Mon-Fri 9-5pm) Website: www.lawsociety.org.uk/
Stoke on Trent and Staffordshire Integrated Care Board (ICB) Operating in collaboration alongside local and neighbouring NHS organisations, local authorities, and the voluntary sector.	Phone: 0300 123 1461 Email: enquiries@staffsstoke.icb.nhs.uk Website: https://staffsstokeics.org.uk/

Should you require any other organisation contact details, please contact an **Asist Advocate**.



You can contact us directly by:



<http://www.asist.co.uk/>



nhscomplaints@asist.co.uk



01782 845584/ 01785 246709



Asist, Winton House, Stoke-on-Trent, ST4 2RW

Access to Information

- We provide information in a variety of formats
- We use communication toolkits
- We have members of Asist fluent in diverse interpretation skills and languages
- We have Asist Advocacy Independent NHS Complaints easy read leaflets
- We have Asist advocacy Independent NHS Complaints posters



Version 2

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