

MAKING A COMPLAINT ABOUT HOSPITAL CARE FACTSHEET

Our NHS hospitals are something to be proud of, but as with any big organisation, occasionally things can go wrong and we don't get the treatment we expect.

The idea of making a complaint can be daunting but it shouldn't be.

Don't let the thought that you might be making a fuss, or getting someone into trouble put you off; complaints and concerns are important to healthcare providers because they help organisations improve and become safer and better for everyone.

So if you need to complain about your care in hospital or are complaining on behalf of someone you act as carer for, or a family member, **remember it's ok to complain.**

How do I complain?

A Ask for a copy of the hospital's complaints procedure at reception, or download one from their website. This will give you an outline of the whole process and what happens at each stage.

You may feel able to approach the doctor or health care professional directly to complain. Just make sure that you're happy with the record they give you of your verbal complaint - and challenge it if you don't think it's an accurate account of what you said.

If you don't feel up to talking directly to the professionals involved, it's generally best to put your complaint in writing.

Think about what you want to say

- If you write a letter, state you are making a "formal complaint" and tell the story of what happened
- Try to keep the letter as concise and factual as you can, and to summarise the main problems from your point of view
- Be sure to keep any copies of letters you send for your reference
- If you're complaining about a number of things, it's best to number them in your letter so the complaints team can deal with each individual point in turn
- If you want the hospital to respond in writing - state this in the letter

Every hospital will have a "Complaints Team" and this is where you should send your letter. Remember to include your most up-to-date contacts details too.

What if I don't feel comfortable complaining to the hospital directly?

A If you don't feel comfortable complaining to a staff member or hospital directly, you can complain to the NHS organisation that provides health and care services. These are called integrated care boards. Integrated care boards (ICBs) replaced clinical commissioning groups (CCGs) in the NHS from 1 July 2022.

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If you have a complaint about hospital care, mental health services, out of hours services, NHS 111 and community services such as district nursing, check the ICB's website for the relevant contact details.

If you're not sure which ICB to contact you can do a postcode search on the NHS Organisation Data Service website. The name of the ICB appears under 'Higher Health Authority. www.england.nhs.uk/contact-us/about-nhs-services/contact-your-local-integrated-care-board-icb/

Q How long have I got to complain?

A If you want your complaint to be investigated you'll need to complain within 12 months of when the incident happened, or as soon as your first notice there's a problem.

Q Can someone else complain on my behalf?

A It's fine for someone else to make a complaint on your behalf, but they will need your written consent to do this.

You will need to write and sign a letter giving them authority to make a complaint on your behalf and they will need to include this with the complaint letter.

Q Is there anyone that can help with my complaint?

A Every hospital has a Patient Advice and Liaison Service, which is usually known as PALS.

Your hospital's PALS team can help you make your complaint, offer confidential advice and support, and tell you more about your hospital's complaint process.

They can be particularly helpful if you are making a complaint while you're still being treated in the hospital, and will deal with it on an urgent basis.

You can find your local PALS team here:

www.nhs.uk/service-search/other-health-services/patient-advice-and-liaison-services-pals

Alternatively, you can contact "Healthwatch", who act as an independent champion for patient rights. They can also help you with your complaint, including helpful tips for writing your letter and sample complaint letters. You can find details of your local "Healthwatch" here: www.healthwatch.co.uk

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

A When will they acknowledge the complaint?

For most NHS Trusts, you should receive a written or verbal acknowledgement of your complaint within 3 working days but it may take up to 14 days in some instances. The timeframe you will be contacted in should be written in the hospital complaints guide.

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Q What happens next?

A When the hospital acknowledges your complaint, they may also invite you to come in to discuss it with them. Think about taking a friend, relative or advocate to the meeting to support you and take notes. In this meeting, the hospital will discuss your complaint in more detail and may offer an explanation, or apology if it is appropriate. They may also advise you about what action they will take in the future to prevent the complaint arising again.

You don't have to attend the meeting if you don't feel comfortable, you can ask to receive a written response instead.

Once your complaint has been fully investigated by the complaints team, they will write to you with their conclusion, which will set out the findings of the investigation and any next steps, if appropriate. the majority of complaints will be settled this way.

If you don't get a response, or decision about your complaint for more than six months, you should be informed about why there has been a delay.

Q What do I do if I feel my complaint hasn't been resolved?

A If you aren't satisfied with the decision you get, and want to take things further, you can complain to the Parliamentary and Health Service Ombudsman. You can find details at www.ombudsman.org.uk or you can telephone 0345 015 4033.

The Ombudsman is a free and is independent of the NHS. If you live in Scotland, Wales or Northern Ireland you can find your Ombudsman at the following links:

- **Scotland:** www.spsso.org.uk
- **Wales:** www.ombudsman.wales
- **Northern Ireland:** www.nipso.org.uk

Q What do I do if I'm thinking of claiming compensation?

A If you're thinking of taking legal action or want to pursue a compensation claim, you should contact a medical negligence law firm urgently. If you need to start court proceedings, your claim form must be sent to the parties involved within 3 years of the date of the incident you think was negligent.

The NHS has some advice here for claimants:

<https://resolution.nhs.uk/services/claims-management/advice-for-claimants>

"Action against Medical Accidents" is a charity for patient safety and they have advice for people wishing to pursue a claim. Their website is here: www.avma.org.uk

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Q Can the Trust help?

A If you're unsure whether to make a complaint, or would like to talk it through, call the Health & Wellbeing team at the Thalidomide Trust on 01480 474074 or email: hello@thalidomidetrust.org