

MAKING AN NHS COMPLAINT

Coodes Information Pack





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Introduction

It is of course the case that the NHS works hard to treat everybody the way they would want to be treated and in a timely manner.

Generally, most people are happy with their experience of the NHS although sometimes things can go wrong. If you are unhappy with the service you have received from either a hospital, doctor, dentist, GP surgery or any other NHS healthcare provider, you have the right to raise your concerns about it with them.

Raising concerns, submitting complaints, and in some cases making a medical negligence claim with the help of medical negligence solicitors, helps the NHS to ensure good practice for all and sometimes helps them to put things right quickly.

How to use this Complaints Pack

This pack aims to help you feel confident about raising your concerns with the NHS. It explains the different options for raising your concerns about the NHS care and/or treatment you are unhappy about and offers a step-by-step guide, practical tips and a template complaint letter.

Don't want to make a complaint?

If you are still unhappy following a complaint, or would not like to go down this route, please contact our specialist medical negligence solicitors for advice about whether you are able to make a medical negligence claim.

Our medical negligence lawyers fight for and achieve justice for our clients and secure compensation to help rebuild their lives. By bringing these claims, our clinical negligence solicitors also aim to identify system failures in healthcare where lessons can be learnt and changes made to prevent similar situations occurring in the future. Wherever possible, should you wish to pursue a claim, you may be offered a No Win No Fee agreement, which means you won't have to pay any legal costs if your medical negligence claim is unsuccessful.

Actions for raising your complaint

Action 1

Before you make your NHS complaint, it is important to be clear about what area of your care you are unhappy with. This can be about any part of the NHS care/services you have received and may include:

- **Failing to diagnose a condition**
- **Treatment or care**
- **Attitudes of the staff**
- **Lack of information**
- **Poor communication**

QUICK TIPS...

It is always a good idea to make notes about what you want to complain about as simply and clearly as you can, so that you can refer back to it.

Action 2

Next, have a think about what outcome you hope to achieve; your issues are more likely to be dealt with easier if you can be specific, realistic and aware that there are limits on what can be achieved using the NHS Complaints Procedure.

- **An explanation of what happened to you and why**
- **An apology from the NHS provider**
- **Training, changes or improvements to services which will help prevent similar outcomes in the future**
- **An investigation is carried out**

QUICK TIPS...

A complaint to the NHS must be made within 12 months of the incident happening or within 12 months of the impact of the incident becoming known. However, generally you have three years to make a medical negligence claim from the date that your injury was linked to a medical error (not necessarily the date on which you suffered the injury). There are, however, some exceptions to this rule.

Action 3

Once you are clear about what your complaint is, the next action is to decide how you would like to raise your concerns with the NHS provider. The ways your complaint can be raised could be as follows:

Speaking to a member of staff directly

Many complaints are caused by misunderstandings or poor communication between individuals/families and staff. This can often be put right once the problem is explained. You can speak to a member of staff who has been directly involved in your care and treatment or ask to speak to their manager. This is often the quickest and most effective route to making things right and to prevent the misunderstanding from getting worse.

Speaking to a Patient Advice and Liaison Service (PALS)

If you feel uncomfortable about contacting the NHS member of staff directly, or you have tried and it has not resolved your issues, PALS may be able to help you. This service is free and available in all hospitals.

Submitting a complaint

Complaints can be made by explaining what happened to you in person, on the telephone, by e-mail or in a letter. NHS organisations often prefer having complaints in writing. However, if you would prefer making your complaint on the telephone or in person ask to speak to the Complaints Manager and they should make a written record of your complaint and send you a copy.

Making a claim

If you are still unhappy following a complaint, or would not like to go down this route, please contact our specialist medical negligence solicitors for advice about whether you are able to claim. Wherever possible, should you wish to pursue a claim, you may be offered a No Win No Fee agreement, which means you won't have to pay any legal costs if your medical negligence claim is unsuccessful.



"We fight for, and achieve justice for our clients."

Types of complaints and what to expect

Types of complaints

The types of complaints can be about various organisations and for different reasons. They can include:

Primary care providers such as GPs, dentists, district nurses, opticians and pharmacies

Complaints to primary care providers can generally be made to the Practice Manager. However, if you do not feel comfortable making the complaint to the Practice Manager you can make your complaint to NHS England by calling 0300 311 22 33 or by visiting the website www.england.nhs.uk

Hospitals

You can raise your complaint to the member of staff involved in your care and treatment. You can also go to PALS which is a service all hospitals provide for quick resolutions that deal with current issues. However, they are not an independent advocacy complaints organisation.

Community Services

Examples include the Ambulance Services and the Community Mental Health Team. You may wish to raise a complaint about these if they are not providing adequate care and support. The contact details are listed on the back of this leaflet.

Care Homes (NHS Funded)

Many care homes have their own complaints procedure to follow. However, they should still be aware of the NHS complaints procedure.

QUICK TIPS...

All NHS organisations have a duty to acknowledge your complaint within 3 working days. If you have not received an acknowledgement, you can ask if they have received your complaint because you have not received an acknowledgement.

What to expect?

When raising a complaint with the NHS you can expect:

- **To be treated with courtesy and respect**
- **To be offered support to help you raise your concerns**
- **A timely response to be given where possible**

If you are unhappy with the response, you can request a local resolution meeting to discuss the points you are unhappy with. You will also be given the option of taking your complaint to the Parliamentary Health Service Ombudsman (PHSO).

QUICK TIPS...

Try not to mention (but don't lie if you're asked!) making a claim for compensation or instructing solicitors in your complaint because the NHS will not investigate and will tell you to seek legal advice. A complaint can be very useful in gathering information for a medical negligence compensation claim.

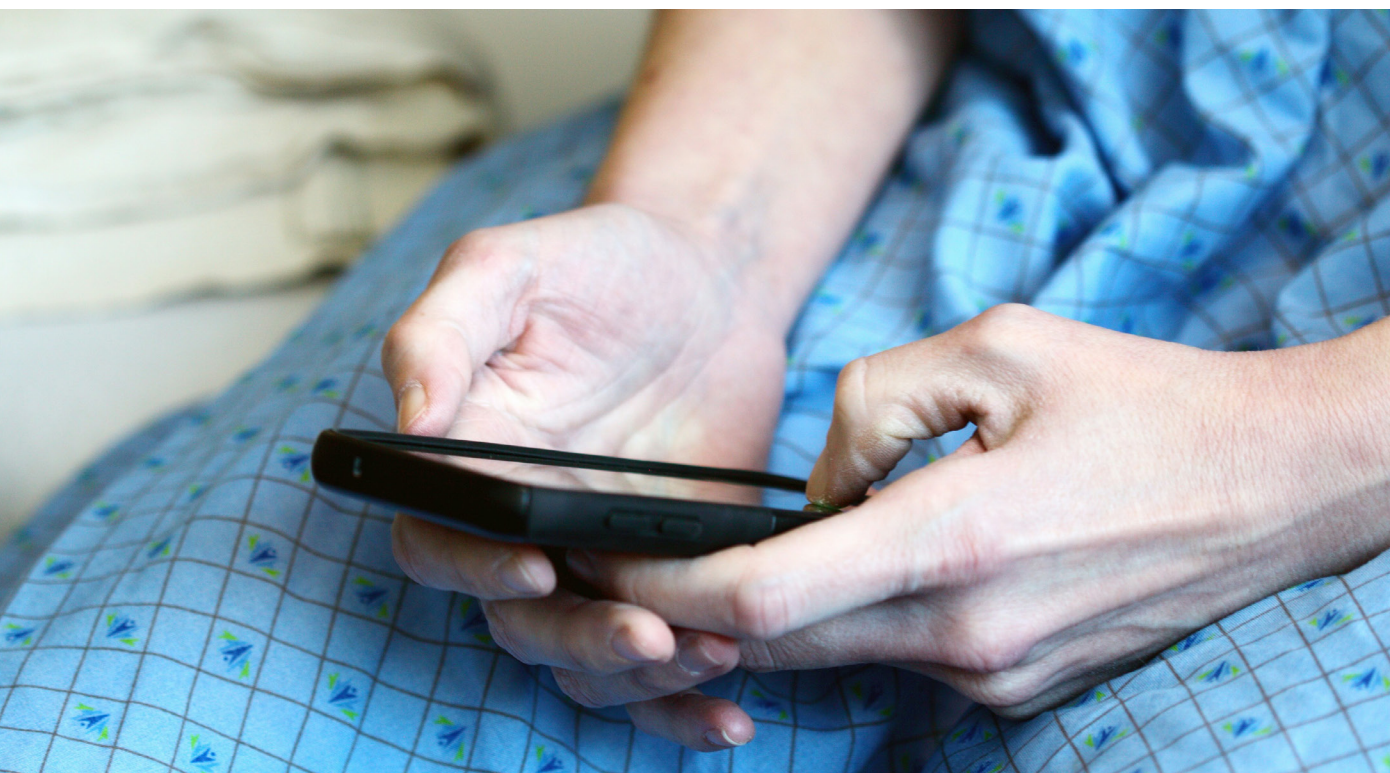


Claims with Coodes

Our medical negligence lawyers fight for and achieve justice for our clients and secure compensation to help rebuild their lives. By bringing these claims, our clinical negligence solicitors also aim to identify system failures in healthcare where lessons can be learnt and changes made to prevent similar situations occurring in the future. Wherever possible, should you wish to pursue a claim, you may be offered a No Win No Fee agreement, which means you won't have to pay any legal costs if your medical negligence claim is unsuccessful.

If you'd like to make a claim after experiencing clinical negligence, contact us free today at clinical@coodes.co.uk or call 0800 328 3282.

Examples of complaints



- A patient was given incorrect information about a procedure and had to undergo corrective surgery as a result
- A patient feels their GP isn't taking their symptoms seriously or is not listening to them and continues to send them away without a referral to a specialist
- A patient thinks they are on the wrong medication as the side effects are very unpleasant; their GP won't change the prescription
- A patient feels the nurse was rude and disrespectful on the ward and refused to give medication on time
- A patient felt their meeting with the surgeon was rushed and the surgeon did not give a clear explanation of what was wrong
- A patient feels their mental health diagnosis is incorrect and that the psychiatrist isn't listening
- A patient feels that the treatment they have received was substandard leading to them experiencing pain and suffering and in some cases financial loss

Frequently asked questions

Who can complain?

Any patient treated by the NHS can complain about any NHS service they have received which they are unhappy about. NHS services include treatment and care given by your GP, dental surgery, hospital and ambulance service. Anyone who is affected by the action, omission or decision of an NHS body can make a complaint.

I want to sue the doctor who operated on me – how?

You will need to take legal action if you want to make a claim for compensation for clinical negligence. The NHS Complaints Procedure does not deal with these cases. Please contact Coodes on 0800 328 3282 or via email at clinical@coodes.co.uk.

Can I complain on behalf of my elderly father because he would not manage the complaints process?

You may complain on behalf of a friend or relative as long as they agree to you doing so; you should get their permission in writing. The NHS may request complainants to sign a consent form prior to carrying out an investigation.

Do I need permission to make a complaint on behalf of someone who does not have capacity?

If your friend or relative is very ill or does not have capacity to give permission because of impairment or disability, you may complain on their behalf without their permission, although the NHS 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 why they have made this decision.

I had an operation in a private hospital – can I complain to the NHS?

It depends. If the NHS paid for your operation in a private hospital, you can complain to the NHS. If you paid for your treatment, or paid with private medical insurance, you cannot complain to the NHS. The private hospital will have its own complaints procedure which you should follow.

Can I complain on behalf of a child?

A complaint can be made on behalf of a child (under 18) if the child is unable to make the complaint themselves. The NHS must not consider a complaint made by a representative of a child unless they are sure that the child is unable to complain themselves. They must inform you in writing if they make this decision and tell you why.

Can I complain about something which happened in the past?

It depends on how long ago it happened. You should make your complaint within 12 months of the incident happening or within 12 months of you realising you had something to complain about. NHS organisations are allowed to waive this time limit at their discretion if there are good reasons why you could not complain earlier; one such case might be if you were too ill to complain at the time.

Writing and sending the complaint letter



The letter should clearly outline your complaint and you should ask that your complaint is investigated under the NHS Complaints Procedure. If you are writing on behalf of someone else who is a patient, rather than yourself, you must show that you have the patient's permission. Below are some helpful tips from medical negligence solicitors:

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 diary of events with details

Be clear

- Use short sentences
- Don't be afraid to say what has upset you, but avoid aggressive or accusing language
- Don't repeat yourself

Be constructive

- Your complaint is an opportunity to improve things
- Put your concerns firmly but be polite at the same time
- Explain what outcome you would like from your complaint e.g. an apology or explanation.

Keep copies and make sure you send it by recorded delivery so that you can check it has been received.

Example letter of complaint

PRIVATE AND CONFIDENTIAL

Insert your address and telephone number

The Chief Executive or Complaints Manager (name if known)

Followed by the name and address of the organisation

Date

Dear

Re: NHS Complaint – Complainant name, Date of Birth

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

OR [if 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, if they are too young, ill or deceased, then you should explain this].**

Describe: *What happened, when; and where If you were unable to recall events because you were undergoing surgery (for instance) include information provided by third parties and how they were made aware of this. If you have a list of events, you can attach this as a separate sheet and refer to it here. Explain what, if anything you have already done to try to resolve matters.*

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

- *Put the most important matters first*
- *Explain why you are not happy*
- *Be clear but brief*
- *Number your points*
- *Ask any questions you might have in the 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 to remedy the problem you experienced by a named person*

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in writing in accordance with the NHS Complaints Procedure.

Please do not hesitate to contact me if you need further information.

Thank you for your attention to this complaint. I look forward to hearing from you.

Yours sincerely

Your signature and print your name

Contact details for Complaints Departments

Derriford Hospital

Complaints & PALS Manager Plymouth Hospitals NHS Trust
Level 7
Derriford Hospital
Derriford Road
Plymouth PL6 8DH
Email: plh-tr.ComplaintsPatientServices@nhs.net

RCHT (including St Michael's in Hayle, West Cornwall in Penzance and Treliske in Truro)

Patient and Family Experience Team
PALS & Complaints
Royal Cornwall Hospitals NHS Trust
Treliske
Truro TR1 3LJ
Main Switchboard: 01872 250000
Email: rcht.patientexperience@nhs.net

Kernow CCG

Complaints Management Team
NHS Kernow Sedgemoor Centre
Priory Road
St Austell PL25 5AS
Email: kccg.complaints@nhs.net

Cornwall Partnership NHS Foundation Trust CMHT (Community Mental Health Team)

Patient Experience Team
Banham House
Bodmin Hospital
Boundary Road
Bodmin PL31 1FB
Main Line: 01208 834620
Email: cpn-tr.Palscft@nhs.net

Community Hospitals (except those under RCHT)

Patient Experience Team
Banham House
Bodmin Hospital
Boundary Road
Bodmin PL31 1FB
Main Line: 01208 834620
Email: cpn-tr.Palscft@nhs.net

NHS England

PO Box 16738
Redditch B97 9PT
Tel: 0300 311 22 33
Email: England.contactus@nhs.net (Please state in the Subject line: "For the attention of the complaints team")

The Parliamentary and Health Service

Ombudsman
Millbank Tower
Millbank
London SW1P 4QP
Tel: 0345 015 4033
Email: Phso.enquiries@ombudsman.org.uk

South Western Ambulance Service NHS Foundation Trust

Abbey Court
Eagle Way
Exeter
Devon EX2 7HY
Reception: 01392 261500
Patient Experience (including complaints): 01392 261585
Online form: www.swast.nhs.uk/Get%20in%20touch

Medical Negligence Claim

Can I Make a Medical Negligence Claim for Compensation?

We trust medical professionals to look after us when we need treatment and medical advice. However, mistakes can occur with serious and sometimes life changing consequences for you and your family.

Claims for medical negligence are a highly complex and specialist area of law. Coodes' accredited medical negligence lawyers have over 40 years of experience in helping and supporting individuals and families in Cornwall, Devon, and beyond following a medical mistake and ensure claims for compensation are dealt with as quickly as possible so as to achieve the best possible outcome.

Although Coodes' medical negligence lawyers are based in Cornwall and Devon, we cover the whole of England and Wales and will come and see you wherever you are. We act for clients anywhere in the world so long as they have been injured in England and Wales.

Our expert medical negligence lawyers have decades of experience running compensation claims and specialise in areas including cancer misdiagnosis claims, birth injuries, orthopaedic injuries, obstetrics and gynaecology, surgical errors, delays in diagnosis and treatment and failures by mental health services resulting in serious injury and sometimes death.

If you, or a member of your family, believe you have been a victim of medical negligence, be it your local hospital, GP or other medical professional, our specialist team of clinical negligence lawyers will give you professional and confidential advice throughout your claim.

Our medical negligence lawyers fight for and achieve justice for our clients and secure compensation to help rebuild their lives. By bringing these claims, our clinical negligence solicitors also aim to identify system failures in healthcare where lessons can be learnt and changes made to prevent similar situations occurring in the future.

Wherever possible, should you wish to pursue a claim, you may be offered a No Win No Fee agreement, which means you won't have to pay any legal costs if your medical negligence claim is unsuccessful.



What's next?

If you'd like to make a claim after experiencing clinical negligence, contact us free today
0800 328 3282
clinical@coodes.co.uk
coodes.co.uk