

NHS Complaints Advocacy Service, Independent, Confidential and Free.

If you have a
complaint against
any NHS Service
in North Yorkshire
we can help.



North Yorkshire – Help Sheets



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NHS Complaints Advocacy Service North Yorkshire – Help Sheets

A. Help dealing with a problem with a NHS service.

The NHS works hard to provide a high quality service but sometimes things do go wrong. If you, are unhappy with the service you, or someone you know has received from a NHS service you can raise your concerns. By raising a concern, the NHS can try to put things right and learn from your experiences.

NHS services can include, for example, hospitals, doctors, dentists, pharmacists, ambulances, opticians. These services can be delivered in hospitals, clinics, in the community or in prisons. They can also be delivered in private health establishments, where the NHS has paid for the treatment. This can also include NHS funded nursing or residential homes.

If you paid for your treatment yourself, or through private medical insurance, you cannot complain to the NHS. The service you used (e.g. private hospital or private dentist) will have its own complaints procedure that you should follow.

These help sheets are designed to help you with your NHS complaint. They provide advice and guidance about;

- your options in raising a concern or making a complaint
- practical advice on how to do so
- how the NHS Complaints Advocacy Service can help.

We hope that you find these help sheets and related general information useful. This information is provided for your general guidance and it does not attempt to provide a comprehensive or detailed review of all the current regulations or relevant legislation. We are always happy to help you find more specific information in support of your NHS complaint. You should consider taking professional advice if for example you are contemplating legal action.

If you feel that you would like additional support with your NHS complaint, you may contact us at any stage and we will try and help.

If you wish to make any suggestions as to how these help sheets can be improved we would be pleased to hear from you.

The NHS Complaints Advocacy Service for North Yorkshire is:

- Independent
- Confidential
- Free

The service is available to anyone who is normally a resident of North Yorkshire, and needs support to raise or progress a NHS complaint.

B. How can advocacy help?

Your independent advocate will contact you as soon as possible and take time to listen to your concern and talk to you about what support you need to help you make your complaint. Your advocate will give you information about the different ways that you can raise your concerns with the NHS and explain the processes.

Individuals want different outcomes when they complain, maybe an apology or an explanation about what happened or feedback about what improvement the NHS service will take to avoid the event happening again. Your advocate will discuss with you what outcome you would like to achieve from your complaint. Your advocate will not at any stage try to influence your decisions - you are always in total control of whatever actions you choose.

Your advocate will speak confidentially to you about your concerns and help you understand the different options available at each stage of the complaints procedure.

Your advocate will also assist you to:

- Collect the information necessary to raise your concerns
- Write clear letters and ensure that they get to the right people
- Prepare for meetings and attend with you if you wish
- Express your personal view
- Review the responses you receive from the NHS, so that you can decide if you are satisfied that your concerns have been addressed.

Raising your concerns and complaints

Below is a brief guide setting out the key steps that you should consider before you start preparing your complaint. When you raise a concern with the NHS you can expect:

- To be treated with respect and courtesy
- To be offered support to help you raise your concerns
- A speedy solution to be offered where possible
- An explanation of what happened
- An apology if appropriate
- Changes to be made, so that the same thing does not happen again
- Enhanced communication between NHS services and patients

Step 1 What are you unhappy about?

If you are unhappy about your NHS care you need to be clear what your concern is. This can be any aspect of the NHS care and services that you have received, but may include:

- Waiting times
- Poor communication
- Treatment or Personal Care
- The attitude of staff
- Failure to diagnose a condition
- Lack of access or information

These could include issues such as:

- You felt that a nurse had not treated you with respect
- You had not been provided with information about your treatment
- You could not get an urgent GP appointment or home visit
- You waited for an emergency ambulance for over an hour
- You experienced poor care and had to be re admitted to hospital
- You experienced delays in getting access to drugs or treatment
- You considered that you were discharged from hospital at an inappropriate time

It can also be very helpful to write down as clearly possible exactly what happened, as soon as possible, so that you have a record.

Step 2 What do you want to achieve?

Think about exactly what you want to achieve. This could be, for example;

- An explanation regarding what happened
- An apology or other statement of regret
- A review of procedures to help avoid a repeat of what happened.

Step 3 Is the NHS Complaints Procedure the right approach?

If the NHS complaints procedure is unlikely to help you achieve the outcome you are seeking, you may wish to consider alternatives. Some of the outcomes the NHS complaints procedure is unlikely to achieve are below;

Disciplinary action?

Severe disciplinary action is unlikely unless as a direct result of information obtained through the complaint's investigation.

Compensation?

The NHS complaints procedure will not normally help you to get financial compensation, although in some cases a small ex-gratia payment might be awarded. The NHS complaints procedure is designed to address concerns and identify actions to prevent a recurrence so financial compensation is not normally awarded. To obtain financial compensation for clinical negligence you will need to take legal action. You will need to appoint a specialist medical or clinical negligence solicitor and normally submit a claim within three years of the incident.

Complaints about private treatment

If you have paid for private treatment or used medical insurance, you cannot use the NHS complaints procedure to make a complaint. The private health care service will have its own complaints procedure that you should use. If your treatment was paid for by the NHS, you can use the NHS complaints procedure.

Care home and nursing home complaints

If the care home or nursing home is paid for privately, you cannot make a complaint using the NHS complaints procedure. Care homes and nursing homes will have their own complaints procedure so you can still make a complaint.

If you have a concern about a care home or nursing home and it is paid for by the NHS you can make a complaint using the NHS complaints procedure.

Step 4 How do I raise my concern?

When you are clear about what you are unhappy about you need to decide how best to raise your concern. There are different ways you can do this and you need to consider which approach you prefer. You could:

Speak to a member of staff directly

Many complaints are caused by poor communications or misunderstandings that can be put right quickly once you have explained the problem. You can speak directly to a member of staff who is delivering the NHS service, or their manager, about what you are unhappy about. This is often an effective way to get your concern addressed and it usually helps stop a situation getting worse.

Speak to the Patient Experience Team that includes the service previously known as Patient Advice and Liaison Service (PALS).

The NHS expects all members of staff to listen and respond to you to the best of their ability, but sometimes, you may wish to talk to someone employed by the NHS especially to help you. The Patient Experience Team or Patient Advice and Liaison Service, known as PALS, aim to ensure that the NHS listens to all patients, their relatives, carers and friends. The Patient Experience Team aim to answer your questions and resolve your concerns as quickly as possible. Note not all NHS Services have such teams. If you have tried to have your concerns addressed and they have not been resolved by NHS staff or The Patient Experience Team, or if you feel uncomfortable contacting NHS staff, you may be able to help you write a formal letter of complaint using the complaints procedure outlined in Section D.

C. The NHS Complaints Procedure

The NHS complaints procedure may be the best option if you have already raised your concerns but they have not yet been fully resolved, if you have serious questions/concerns about standards of care or a complex issue which you consider requires formal investigation.

The NHS complaints procedure covers complaints made by a person about any matter connected with the provision of NHS services or primary care practitioners; GPs, dentists, opticians and pharmacists. The procedure also covers services provided overseas or by the private sector where the NHS has paid for them.

It is very important that you keep a record of any telephone calls you make or receive along with copies of any letters or forms you complete or receive about any aspect of your complaint.

Who can complain?

A complaint can be made by a patient or person affected or likely to be affected by the actions or decisions of an NHS organisation or primary care practitioner. A complaint can also be made by someone acting on behalf of the patient or person, with their consent.

What is the time limit for making a complaint?

You should normally complain as soon as possible, within 12 months of the event(s) concerned, or of becoming aware that you have something to complain about. Primary care practitioners and complaints managers in NHS organisations can waive this time limit if there are good reasons why you could not complain earlier (e.g. you were too unwell at the time).

The arrangements for dealing with complaints are designed to ensure that

- complaints are dealt with efficiently;
- complaints are properly investigated;
- complainants are treated with respect and courtesy;
- complainants receive, so far as is reasonably practical assistance and advice on where they may obtain such assistance; to enable them to understand the procedure in relation to complaints
- complainants receive a timely and appropriate response;

- complainants are told the outcome of the investigation of their complaint; and action is taken if necessary in the light of the outcome of a complaint.

The NHS complaints procedure aims to help you resolve your complaint locally.

Stage 1 Local Resolution

The aim of Local Resolution is to try to sort out your concern directly with the NHS organisation. The NHS aims to respond to you efficiently, sensitively and promptly. Local Resolution is your opportunity to explain what you are unhappy about and what you would like to happen. It gives you and the NHS service time to listen, understand and discuss the incident. Local Resolution is important because it aims to resolve your concerns and, where appropriate, use your experiences to improve local services.

At this stage it is important to raise everything that you are unhappy about, as new issues cannot later be introduced as part of the same complaint.

It is important that you keep a record of any telephone calls you make or receive along with copies of any letters or forms you complete or receive about your complaint.

How do I make a formal complaint?

You can explain what happened to you: in person, on the telephone, by e mail or in a letter. NHS services prefer to receive formal complaints in writing. There is a sample template for writing your complaint letter see **F Attachment 1**.

If you prefer to telephone or go in person ask for the Complaints Manager who may be within the Patient Experience Team. That person will make a written record of your complaint and you can request that a copy be provided for your records.

you can register an official complaint to NHS England via the Complaints Manager:

By post NHS England, PO Box 16738, Redditch, B97 9PT

By email england.contactus@nhs.net

Please add 'For the attention of the complaints manager' in the subject line.

By telephone 0300 311 22 33 (Monday to Friday 8am to 6pm, excluding English Bank Holidays)

If you are writing the formal complaint letter yourself, here are some handy 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 or complex attach a 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.
- Don't repeat yourself.
- Be constructive.
- Your complaint is an important opportunity to improve things.
- Put your concerns politely, but firmly.
- Explain clearly what you would like to achieve as a result of your complaint for example an apology, an explanation, a service improvement or another remedy.

Keep copies

- Keep a copy of all letters or emails sent and received, in date order and a note of all telephone calls made and received, date name of person contacted etc.
- Send photocopies of documents, not originals
- Keep all the original documents in your possession.
- Make sure your letter is received, an acknowledgment should be received.
- You may wish to send your letter by a "guaranteed" or "signed for" mail service.

All NHS services have complaints procedures and in most cases they will probably be best placed to deal with your complaint. You have the option to complain to the commissioner of the service instead of the actual service who provided the treatment or caused your concern.

If you want to complain about your NHS hospital or NHS ambulance services contact the appropriate Complaints Manager or the Chief Executive of the NHS Service.

For complaints about NHS primary care services such as your GP, dentist, optician, pharmacist, health centre or other NHS service, you have options:-

You can complain directly to the NHS service by contacting the person in charge of complaints. In most GP and dental practices, this will be the Practice Manager.

Or

You can complain to the North Yorkshire Clinical Commissioning Group who are responsible for all care in your local area and they work closely with primary care practitioners such as GPs and dentists.

Or

NHS England see above. If you are not clear where to send your complaint, ask for advice from your Clinical Commissioning Group or the Patient Experience Team in larger organisations such as hospitals.

We are happy to help you to decide where you should register your complaint.

We can help if you contact us <http://www.helpwithnhscomplaintsnorthyorks.org/>

What will happen next?

It may be possible to address and resolve your concerns quickly. If this is not the case, the NHS service should acknowledge your complaint either verbally or in writing within three working days.

The NHS service must offer to contact you to discuss your complaint and agree a plan to address your concerns. This means that they will discuss how best to resolve your concerns and what you hope to achieve from raising them. The NHS service should also agree with you a timescale for resolving the issues and how they will keep you informed of progress. 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 if other NHS services are involved in your complaint. If there is a problem in keeping to the agreed timescale they should contact you before it expires to agree a revised timescale.

The NHS service should offer you assistance to enable you to understand the complaints procedure or advice on where you can to obtain independent assistance (e.g. from your local NHS Complaints Advocacy Service <http://www.helpwithnhscomplaintsnorthyorks.org/>)

If your complaint concerns more than one NHS service or organisation, you only need to send a letter to one service or organisation. They will liaise with the other organisation(s) involved and provide a co-ordinated response.

Resolving your complaint

You may be offered a meeting so that you can speak to staff directly about what has happened. If you wish, you can take a friend, relative and/or Advocate with you to any meetings that you might have.

Sometimes the NHS uses Conciliation or Mediation services. A conciliator/mediator is a neutral and independent person who can arrange a meeting with you and those involved (either separately or together) so you can all express your views and try to resolve your differences. A conciliator will become involved only if everyone affected agrees. The conciliation process is confidential.

Conciliation and Mediation Services differ between different NHS services so if this is offered you should ask the Complaints Manager to explain how it operates and what will be involved.

If you are attending a meeting it is helpful to prepare a list of questions that you want to ask, try to keep these questions clear and concise. It is helpful if you use that list at the meeting to ensure you have covered all your questions. It is also helpful to take all related letters and paperwork with you to the meeting. Also take notes of what was agreed as your record.

After the Investigation

Once the investigation is finished and any meetings have been held, the Complaints Manager should send you a letter containing

- A summary of your complaint
- What the investigation found and any actions that are going to be taken as a result
- What to do if you are still unhappy with the answers given
- Depending on the investigation, the letter may contain

- An apology, if relevant.
- What actions will be taken and when, as a result of your complaint.
- Who is responsible for making this happen.
- What steps have been taken to prevent the same thing happening to other people.

The letter should be

- Balanced, factual and impartial
- Clear and easy to understand
- It should avoid technical terms and, if they are used, it should explain what they mean.
- If you haven't received this letter within the timescale agreed in the plan, you may want to ring or write to check when you can expect to receive it.
- If you have agreed, this letter may be sent to you by email.

What if I am not happy at the end of Local Resolution?

If you are not satisfied with the NHS reply, ask yourself exactly what you are still unhappy about so you can decide what you wish to do next. It may help to review

- The letters
- Any meetings
- Any conciliation or mediation process
- Whether the plan you agreed was followed
- What parts of your complaint have yet to be answered, whether you feel that evidence you gave was not properly considered
- Whether you have achieved the outcome you wanted
- What more, if anything, could have been done to achieve the outcome
- Whether the Complaints Manager has followed the Ombudsman's good complaints handling principles

What are my options?

- You could write another letter explaining what you think has not been covered
- You could telephone the person handling your complaint and explain why you are still unhappy
- You could request a meeting to further review and discuss your outstanding concerns
- You may choose to try a different route to achieve the outcome you want – review the options, see **Step 2 – What do you want to achieve?**
- Request that the NHS Service investigate further elements of your complaint. Again, the NHS service should discuss this with you and agree a plan for doing this, including timescales
- The NHS service you are complaining about may feel that everything has been done to fully answer your complaint and if so, they should advise you of that in writing

If you are not satisfied with the responses you receive to your formal complaint and you wish to escalate the concern you must then go straight to The Parliamentary and Health Service Ombudsman (PHSO).

At this stage the Local Resolution process will be concluded.

Stage 2 The Parliamentary and Health Service Ombudsman (PHSO) (or Health Service Commissioner for England)

You have the right to take your complaint to the The Parliamentary and Health Service Ombudsman (PHSO). (frequently referred to as The Ombudsman), if you are not satisfied with the way your complaint has been dealt with by the NHS. www.ombudsman.org.uk The Ombudsman is independent of the NHS and of government. The Ombudsman's services are confidential and free. You should submit a complaint no later than one year from the date of the events you are complaining about (or from when you first became aware of the matter), although the Ombudsman has discretion to extend this time limit, for example, if the Local Resolution process took longer than a year.

The Ombudsman will look at every complaint that comes to them but they do not (and are not required to) investigate all the complaints that are referred to them. It is a matter for

the Ombudsman's discretion. They will not normally investigate your case unless you have first tried to resolve the problem using Local Resolution.

The Ombudsman can refer your formal complaint back to the Local Resolution stage of the NHS complaints procedure if they think that you have come to the Ombudsman too soon, or if they feel that the NHS service involved has not done all it can to resolve your issues locally.

The Ombudsman will not usually investigate a complaint where you do not agree with a decision made by your NHS service but cannot offer any evidence as to why their decision is wrong or unsatisfactory. The Ombudsman may decide that there is no evidence to suggest that the NHS service acted wrongly or that the NHS service or practitioner has done all that they reasonably can do to put things right. The Ombudsman can decide that there would not be a worthwhile outcome from an investigation (if, for example, the remedy sought by the complainant is not obtainable).

Initially, a member of the Ombudsman's staff will consider whether your case meets the Ombudsman's criteria for investigation. To carry out this assessment they may need to see clinical records and other papers involved in your complaint. A member of the Ombudsman's staff will contact you to ask for any papers they need and they will write to you to let you know the outcome of the assessment.

If you take your complaint to the Ombudsman, there are three main outcomes

1. The Ombudsman may decide not to investigate the case and take no further action (for example, if they think that the NHS has done all it can to resolve your complaint locally).
2. The Ombudsman may decide not to investigate the case, but may ask the NHS provider or practitioner to take action which they think would resolve your complaint more quickly without the need for an Ombudsman investigation. This is called an 'intervention'.
3. The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report about the case. The investigation will be very thorough and can therefore take some time. The Ombudsman aims to complete 90% of investigations within 12 months of accepting the case for investigation.

If your complaint is investigated by the Ombudsman

If the Ombudsman carries out an investigation of your complaint they will write a detailed report about the case. If the Ombudsman upholds your complaint they can make recommendations to the NHS provider or practitioner to put things right.

The Ombudsman's decision

The Ombudsman's decision about your complaint is final. This includes their decision whether or not to investigate your complaint and their decision whether or not to uphold your complaint following an investigation.

D. Frequently Asked Questions and Answers

What is the NHS Complaints Procedure?

If you are not happy with the medical treatment that you or a family member has received from the National Health Service then it is your right to have your concerns investigated and to be given a full and prompt response by the treating body. This is known as the NHS complaints procedure.

It exists to

- Enable you to make a formal complaint
- Ensure that your complaint is dealt with effectively and properly investigated
- Allows the NHS to learn from the experience

What are the stages of the NHS Complaints Procedure?

Stage One is to have the formal complaint investigated and ideally resolved at a local resolution level. If this local investigation does not achieve a satisfactory outcome for you then it is possible to move to Stage Two which involves an independent review by. The Parliamentary and Health Service Ombudsman (PHSO, (frequently referred to as The Ombudsman).

What services does the Advocacy Service cover?

All NHS services including Foundation Trusts, GPs, Dentists, Opticians and Pharmacists. If the NHS has provided or paid for it, then we can help.

Who can complain?

Anyone who is affected, or likely to be affected, by the action, omission or decision of an NHS organisation can make a complaint. Clearly that means you can complain about any NHS service you have received or been unhappy about. You can also complain for a friend or relative provided they give you their written permission to complain on their behalf. You don't need this written permission if the person is very ill or does not have the capacity to give permission.

You can still make a complaint if the person it relates to has died.

Young people – under 18 – are entitled to complain independently. The NHS cannot consider a complaint made on behalf of a young person without their consent unless they are sure that the young person couldn't have complained themselves.

What do I want to achieve?

It is important to think about what you want to achieve before submitting a complaint and what the NHS might reasonably do to resolve the matter. If you simply want to voice a concern then it might be more appropriate to do so informally at local level. We can help you do this too. The NHS complaints procedure is a formal and thorough process. It will help you obtain

- An explanation regarding what happened
- An apology or other statement of regret
- A review of procedures to help avoid a future repeat of what happened.

Can you help me get compensation?

The NHS complaints procedure will not normally help you to get financial compensation, although in some cases a small ex-gratia payment might be awarded. The NHS complaints procedure is designed to address concerns and identify actions to prevent a recurrence so financial compensation is not normally awarded. Financial compensation through clinical negligence requires legal action. You will need to take professional advice and appoint a specialist medical or clinical negligence solicitor, preferably within three years of the incident.

Will my complaint result in disciplinary action?

Severe disciplinary action is unlikely unless this is as a direct result of information obtained through investigation of the complaint.

Can you help with complaints against NHS services outside North Yorkshire?

Yes, provided the person affected normally lives in North Yorkshire.

How can I tell if the service was delivered in North Yorkshire or a neighbouring county?

If you are unsure about county boundaries please follow this link for an explanation of which local authority area falls within North Yorkshire. See: www.gov.uk/find-your-local-council

I live in North Yorkshire but my problem is with an NHS service outside North Yorkshire. Can you help?

Yes.

I live outside North Yorkshire but my problem is with an NHS service within North Yorkshire. Can you help?

Under the Health and Social Care Act 2012, the commissioning of independent NHS Complaints Advocacy Services has moved from the Department of Health to local authorities. From April 2013, all local authorities are responsible for providing appropriate NHS Complaints Advocacy services in their local area. So, if you live outside North Yorkshire please contact your local authority to identify how you can access your local advocacy service.

I live outside North Yorkshire. Who can support me?

Independent Advocacy Services are available to provide support for people making, or thinking of making, a complaint about their NHS care or treatment. Arrangements are different for each local authority area and a list of contacts for some local areas are set out below.

Barnsley	0300 330 5454
Bradford	01274 770 118
Calderdale	01422 842 848
Doncaster	0808 802 3000
East Riding	0808 802 3000
Hull	Cloverleaf Advocacy 0300 012 0421 helpwithnhscomplaintshull@cloverleaf-advocacy.co.uk
Kirklees	01924 868 145
Leeds	0113 244 0606
North Yorkshire	Cloverleaf Advocacy 0300 012 4212 www.helpwithnhscomplaintsnorthyorks@cloverleaf-advocacy.co.uk
Rotherham	01302 378 935
Sheffield	0300 330 5454
Wakefield	01924 688 0032
York	01904 414 357

My problem happened over a year ago. Can you still help?

You should raise a complaint within twelve months of the incident taking place or from the date that you were first made aware of any issue. It's always preferable to raise a concern as early as possible whilst people's recollections are fresh. The NHS has the discretion to consider complaints outside these time limits but you will need to explain robust reasons for any delay, i.e. a lengthy illness etc.

My problem concerns an NHS service, but I don't know who provided it.

We appreciate that it is sometimes difficult to identify NHS service providers and so access their complaints procedure. If you do have any doubt about what to do to resolve an issue, please just contact us.

How does HealthWatch North Yorkshire link to the NHS Complaints Advocacy Service?

Both services are independent but provide complimentary activity designed to enhance local health and social care services across North Yorkshire. Healthwatch North Yorkshire is an independent corporate body and social enterprise as specified in the Health and Social Care Act 2012. Its role is to influence (helping to shape the planning of health and social care services) and to signpost (helping people to access and make choices about their care). Its stated aims are to be the independent consumer champion for health and social care and help ensure:

- people are at the heart of all health and social care services
- health and social care outcomes in England are among the best in the world
- there is promotion of the joining up of local NHS services, social care and health improvement.
- views and feedback from patients and carers become an integral part of local commissioning across health and social care.

The confidential NHS Complaints Advocacy service for North Yorkshire is 100% independent from the NHS, Healthwatch North Yorkshire and North Yorkshire County Council.

We report regularly to, Healthwatch North Yorkshire, North Yorkshire County Council, Clinical Commissioning Groups, NHS and Care Quality Commission (CQC) on the level of complaints support being provided, trends and outcomes. All complaint data is anonymised when submitted to any third party including the Commissioners of these services.

You can contact HealthWatch North Yorkshire on 01904 621631 or email them at healthwatchny@nbforum.org.uk.

Can I Access my Medical records?

Sometimes it may be useful to look at your medical records when you are making a complaint, we can explain how to go about getting them.

Please refer to **H. Attachment 2 - Guidance for Accessing Medical Records**

How do I progress a complaint against North Yorkshire County Council Social Services?

There is a separate complaints procedure for Social Services. We can only help with NHS complaints but we can give you advice and guidance on where to get help with a complaint that involves a non-NHS organisation.

Contact details are:: The Adult Social Care Complaints Manager, North Yorkshire County Council, Health and Adult Services, County Hall, Northallerton, DL7 8DD. Telephone 0800 515875 or 01609 532638. Email social.complaints@northyorks.gov.uk

How do I complain against an independent care provider or private care home?

Contact them directly in the first instance as they will have their own complaints procedure to follow. If you are unhappy about their response and your care has been arranged or funded by health and adult services you should contact North Yorkshire County Council Health and Adult Services (details above) who may be able to look into your complaint further.

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 yourself, or through private medical insurance, you cannot complain to the NHS. The private hospital will have its own complaints procedure that you should follow.

I want to sue the Specialist Consultant who operated on me. How do I go about it?

You will need to take professional legal advice and action if you want to make a claim for compensation. The NHS Complaints Procedure does not deal with these cases. You can find details of local specialist solicitors by contacting [Community Legal Services](#) or the [Law Society](#). Claims will usually be required to be submitted within 3 years of the event.

How do I get consent to act for someone else?

If you wish to pursue a complaint on behalf of another person you may need to provide proof that the person has agreed to you doing this for them. We can explain how to go about getting this consent but some examples are provided below:

My father is very old and I don't feel he could cope with the complaints process. Can I complain on his behalf?

You may complain for a friend or relative as long as they agree and they give their permission in writing.

My mother has Dementia. How do I get her permission to make a complaint?

If your mother, friend or relative is very ill, or does not have the capacity to give permission because of impairment or a disability, you may complain on their behalf without their permission. However, 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 and tell you why.

My partner died and I did not have consent to act for him. Can I complain about his treatment?

Yes. You may raise a complaint or take over a complaint on behalf of a friend or relative who has died, even if you do not have their written permission. However, the NHS will review if you are a suitable representative and they will discuss this with you.

My nephew is 15 and has Down's Syndrome. Can I complain on his behalf without his written permission?

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

Who pays for this service?

North Yorkshire County Council has commissioned this independent NHS Complaints Advocacy Service for North Yorkshire under the Health and Social Care Act 2012. Cloverleaf Advocacy has been appointed to deliver this county-wide service after a competitive procurement exercise. Although this service is 100% independent of the NHS and NYCC, anonymous data collected will be used to help improve the quality of NHS treatment and care across North Yorkshire.

Who are Cloverleaf Advocacy?

Cloverleaf Advocacy has significant experience since 1995 of delivering a quality range of Advocacy and related specialism support services across the North of England.

Cloverleaf Advocacy provides independent advocacy services for all sections of society including specialist support for people with mental health needs, people with learning disabilities, people with physical and sensory impairments, acquired brain injuries, carers and older people.

Advocacy services aim to support people in or at risk of being in oppressive situations to have their views and concerns heard and responded to appropriately by others such as NHS Health professionals.

Our activities include complaints handling, one-to-one confidential advocacy and open access advocacy groups in Hospitals and across a wide range of community settings.

We are a not for profit independent Charity limited by guarantee, Company no 3790911 Charity no 1097608.

Our services are free.

Our services are confidential.

Cloverleaf holds the Quality Performance Mark for advocacy services and since 2009 has been delivering and awarding accredited City and Guilds Independent Advocacy Qualification 7566 Certificate and Diploma in Advocacy to confirm occupational competence.



E. How do I contact the service?

By post

North Yorkshire NHS Complaints Advocacy Service, Tower Court Oakdale Road, Clifton Moor, York, YO30 4XL

By phone 0300 012 4212

We are open Monday to Friday 09.00 to 17.00. Outside these hours you can leave us a message and your contact details and we will get back to you.

By Fax 01924 438444

By email helpwithnhscomplaintsnorthyorks@cloverleaf-advocacy.co.uk

By Web <http://www.helpwithnhscomplaintsnorthyorks.org/>

If you have a Smartphone or tablet computer you can scan this barcode to access our website that contains a range of additional information.



If you need any of our information in other formats please let us know and we will do all we can to help. Our web site can automatically translate content into other languages.

F. Attachment 1 - Complaint Letter Template

INSERT YOUR ADDRESS AND
CONTACT NUMBER HERE

Private and Confidential

CHIEF EXECUTIVE OR COMPLAINTS MANAGER

INSERT THE ORGANISATION AND ADDRESS HERE

Today's date

Dear _____,

Re; Patients Full Name (D.O.B xx/xx/xxxx)

I am writing to complain about the care and treatment I/my relative received at/from

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

DESCRIBE WHAT HAPPENED, WHEN AND WHERE

(If you were too unwell at the time and you need to include information from other people e.g. your relatives, you can do this, but be clear where the information has come from.

As a result, I would like to know **(examples below)**

1. *What is the Trust's policy on*
2. *Why did the nurse tell me.....*
3. *Why did it take so long to.....*

In order to resolve my complaint I would like **(examples below)**:

1. *A full and honest responses and explanations to each of the points above*
2. *An apology for what has happened to me*
3. *The Trust to explain what it will do to ensure that this does not happen to any other patients in the future*

I would like you to carry out a full investigation into my concerns and provide a response in accordance with the NHS complaints procedure. If you require any further information to assist your investigation, or need to update me on the progress of my complaint, please contact me. **(Add telephone number, mobile or e mail if you wish, plus outline any preferred contact arrangements, i.e. afternoons only)**

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

Yours sincerely,

Add your signature

PRINT NAME

Enclosures

(If you are sending any supporting documents please list what you have enclosed here i.e. if you are acting on behalf of someone else and sending their consent with your letter please state that you have enclosed this).

CC: (if you are sending copies of your letter to other people, please give their names and job role here).

Please always retain a copy of any letter or attachment you send to the NHS for your records.

G. Attachment 2 - Guidance for Accessing Medical Records

Patient Records include:

- GP and hospital doctor records.
- Nursing records, and those made by other NHS staff.
- Records of your visits to the practice, clinic or hospital.
- Records of visits to you.
- Details of treatment, medication, tests and their results, diagnosis, referrals, etc.

Under the Data Protection Act 1998 you have a right to see your records unless:

- Your doctor thinks that to do so would seriously harm you or another person.
(Note: This refusal can apply to part of your records and there is no obligation to inform you of such a partial refusal. It is worth asking if any part of your records has not been made available)
- Providing them would involve “disproportionate effort” on the part of a Trust or GP Practice.

(Note: Disproportionate effort is not defined, but the Data Protection Information Commissioner has warned against abusing this clause to block your access to your records).

Applying to see your records:

You have to apply to see your records, and some GP Practices and NHS Trusts have a form specially designed for this that you are asked to complete. Most Trusts also have a specially appointed person responsible for dealing with such requests.

Records should be made available within 40 days of applying to see them, or 21 days if they have been added to within the last 40 days.

Trusts and GP Practices are allowed to charge you for seeing your records if they have not been added to within the last 40 days. This charge should not be more than £10.

Trusts and GP Practices also have to explain to you anything in the records that is not easy to read, or which uses technical language that you do not understand.

If you want copies of the records, Trusts or GP Practices can charge you for the actual cost of postage and photocopying, up to a maximum of £50, including the £10 charge, if that is made. It is a good idea to get copies if you need to use something in your medical records as evidence in your complaint.

If you are applying to obtain someone else's records, they must give you authority to do this in writing.

This includes parents applying to see a child's records, if the child is able to understand matters.

Where a patient is unable to give permission because of incapacity or illness, you may need to seek legal advice and a court authorisation.

In the case of a deceased patient, records can only be obtained by a Personal Representative. A Personal Representative is usually an executor, or someone making a claim arising from the death, unless the deceased specifically requested in the records that they did not want that person to have access to their records.

If you think your records are inaccurate, you can ask for them to be corrected.

If the NHS Trust or doctor disagrees with the changes you want to make, ask for a note recording your disagreement to be attached to the records.

Any complaint about this can be made to the Data Protection Information Commissioner.