

# Independent Health Complaints Advocacy Service

Independent, Confidential and Free.



East Riding – Help Sheets



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## 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 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;

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

You should consider taking professional advice if for example you are contemplating legal action.

## How can advocacy help?

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. The Independent Health Complaints Advocacy Service for East Riding is independent, confidential and free.

The service is available to anyone who is normally a resident of East Riding, and needs support to raise or progress a NHS complaint. If you are unsure about county boundaries please follow this link for an explanation of which local authority area falls within East Riding. See: [www.gov.uk/find-yourlocalcouncil](http://www.gov.uk/find-yourlocalcouncil)

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.

## How do I contact the service?

**By post** - Cloverleaf Advocacy, Hesslewood Hall, Ferriby Road, Hessle HU13 0LH

**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** - 0300 666 0125

**By text** - 07860 021 502

**By email** - [NHSComplaints@cloverleaf-advocacy.co.uk](mailto:NHSComplaints@cloverleaf-advocacy.co.uk)

**By Web** – <https://www.cloverleaf-advocacy.co.uk/>

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.

## 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.

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

## **What do you want to achieve?**

Think about exactly what you want to achieve. This could be, an explanation regarding what happened, an apology or other statement of regret and/or a review of procedures to help avoid a repeat of what happened.

## **Is the NHS Complaints Procedure the right approach?**

Some of the outcomes the NHS complaints procedure is unlikely to achieve are disciplinary action or compensation. Complaints about private treatment cannot be made using the complaints procedure and complaints about care homes and nursing home complaints cannot be made through the NHS complaints procedure unless it is paid for by the NHS. Care homes and nursing homes will have their own complaints procedure so you can still make a complaint.

## **How do I raise my concern?**

When you are clear about what you are unhappy with 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 or the Patient Advice and Liaison Service (PALS).**

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.

# 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, for example; GPs, dentists, opticians and pharmacists. The procedure also covers services provided overseas or by the private sector where the NHS has paid for them.

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
- As timely a resolve as is possible
- An explanation of what happened
- An apology if appropriate
- Changes to be made, so that the same thing does not happen again

## 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. 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 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).

# Stage 1 Local Resolution

The aim of Local Resolution is to try to sort out your concern directly with the NHS organisation. Local Resolution is your opportunity to explain what you are unhappy about and what you would like to happen. Local Resolution is important because it aims to resolve your concerns and, where appropriate, use your experiences to improve local services.

**It is important that you keep a record of any telephone calls you make or receive including dates and the name of the person you spoke with, 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 email, or in a letter. It is important if you make it clear that you are submitting a formal complaint. NHS services prefer to receive formal complaints in writing. There is a sample template for writing your complaint letter see **Attachment 1**.

If you prefer to telephone or go in person to make a complaint, 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 to you.

If you are writing the formal complaint letter yourself, here are some handy tips;

- 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
- Don't be afraid to say what has upset you, but avoid aggressive or accusing language. Put your concerns politely, but firmly.
- Use short sentences and don't repeat yourself.
- 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 a copy of all letters or emails sent and received and a note of all telephone calls made and received, such as date, name of person contacted etc.
- Keep all the original documents in your possession. Send photocopies of documents, not originals.
- Make sure your letter has been received; an acknowledgment should be sent to you by the NHS service provider. You may wish to send your letter by recorded

delivery.

## Who should I complain to?

If your complaint is about a NHS hospital or NHS ambulance service, you should contact the appropriate Complaints Manager or the Chief Executive of the NHS Service.

If your complaint is about a NHS primary care services (GP, dentist, optician, pharmacist, health centre or other NHS service), you can complain directly to them by contacting the person in charge of complaints or if you do not feel comfortable doing this, you can complain directly to NHS England. Details are below.

<b>Service:</b>	<b>Who to complain to:</b>
NHS Hospital	Chief Executive or Complaints Manager
NHS Ambulance Services	Chief Executive or Complaints Manager
GP	Practice Manager or NHS England
Dentist	Practice Manager or NHS England
Optician	Service Manager or NHS England
Pharmacy	Service Manager or NHS England

We are happy to help you to decide where you should send your complaint. We can help if you contact us at <http://cloverleaf-advocacy.co.uk/>

## What will happen next?

The NHS service should acknowledge your complaint either verbally or in writing within three working days of receiving your complaint. If the NHS services are unable to resolve your complaint immediately, they will discuss your complaint and agree a plan to address your concerns. The NHS service should agree with you a timescale for resolving the issues and how they will keep you informed of progress. If there is a problem in keeping to the agreed timescale they should contact you before it expires to agree a revised timescale.

If your complaint concerns more than one NHS service or organisation, you have the option to request a coordinated response where 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; alternatively you have the option to raise your concerns directly with all the individual NHS services or organisations involved.



## **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.

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. You have the option to 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 being 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?

## **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
- Which parts of your complaint have yet to be answered.
- Whether you have achieved the outcome you wanted

- What more, if anything, could have been done to achieve the outcome

## **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 - **What do you want to achieve?**

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)**

You have the right to take your complaint to the Parliamentary and Health Service Ombudsman (PHSO) [www.ombudsman.org.uk](http://www.ombudsman.org.uk), if you are not satisfied with the way your complaint has been dealt with by the NHS.

The Ombudsman is independent of the NHS and of the 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 a complaint if:

- The complaint has not been through Stage 1 – Local resolution. The Ombudsman can refer a 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.
- If 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.
- They feel that the NHS service has done all that is reasonably possible to put things right.

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.

## Useful information

### I live outside East Riding. Who can support me?

Independent Health Complaints 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	01226 240273
Bradford	0300 456 8349
Calderdale	01422 399433
Doncaster	0808 164 6125
East Riding	Cloverleaf Advocacy 0300 012 4212
Hull	01482 499038
Kirklees	0344 848 7970
Leeds	0113 244 0606
North Yorkshire	Cloverleaf Advocacy 0300 012 4212 <a href="http://www.cloverleaf-advocacy.co.uk/content/independent-health-complaints-advocacy">www.cloverleaf-advocacy.co.uk/content/independent-health-complaints-advocacy</a>
North East Lincolnshire	Cloverleaf Advocacy 0303 303 0413
North Lincolnshire	Cloverleaf Advocacy 01724 854952
Rotherham	01709 717 130
Sheffield	0800 035 0396
Wakefield	0300 330 5454
York	01904 414 357

## **How does HealthWatch East Riding 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 East Riding. Healthwatch East Riding 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 Independent Health Complaints Advocacy service for East Riding is 100% independent from the NHS, Healthwatch East Riding and East Riding County Council. You can contact HealthWatch East Riding on 01482 334999 or email them at [enquiries@healthwatcheastridingofyorkshire.co.uk](mailto:enquiries@healthwatcheastridingofyorkshire.co.uk).

## **Who pays for this service?**

East Riding of Yorkshire Council has commissioned this Independent Health Complaints Advocacy Service for East Riding 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 East Riding of Yorkshire Council, anonymous data collected will be used to help improve the quality of NHS treatment and care across East Riding.

## **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. Our services are free and confidential

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.

**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.**



# Attachment 1 - Complaint Letter Template

INSERT YOUR ADDRESS

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.**