

Part 3 – THE PROCESS

This is the third in a series of fact sheets providing a summary of the NHS complaints procedure in England as of 2017 from the perspective of a bereaved parent. This page describes briefly the process of making a complaint, assuming that this is a decision you have now made. (Please see Part 1 for guidance on making that decision.)

This summary has been based on guidance produced by other organisations. You find more detailed information at these links:
<https://www.citizensadvice.org.uk/health/nhs-and-social-care-complaints>
https://www.cqc.org.uk/sites/default/files/documents/20140210_6642_cqc_how_to_complain_leaflet_final_web.pdf

MAKING A FORMAL COMPLAINT TO THE PROVIDER

Take note!

- Complaints should be put forward within 12 months of the incident happening or of you being made aware of it. This time limit can sometimes be extended if there are valid reasons for not reporting it sooner.

►► **Step 1 – Direct your complaint to the right place**

- Ask the NHS service that provided the care for a copy of their complaints procedure.
- The complaints procedure will explain how to make a complaint and what happens next.
- It will also describe how the NHS service may make changes when they have listened to the complaint.

If for some reason you cannot complain directly to the NHS service, there are alternatives:

- If the complaint concerns a hospital or a local NHS community service, contact the local NHS Clinical Commissioning Group (CCG):
<http://www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1>
- If the complaint is about a local doctors' surgery, dentist or pharmacy, contact the NHS Commissioning Board: *email*: england.contactus@nhs.net with "For the attention of the complaints team" in the subject line, or *phone*: 0300 311 22 33, or *write*: NHS England PO Box 16738 Redditch B97 9PT
- If your complaint relates to social care services, the service provider should provide you with a copy of their complaints process. Alternatively, you can raise the issue with the local authority that funded the care.
- If you have complaints relating to mental health services, contact the service provider or local CCG.
- If, however, your issue relates to how the Mental Health Act was used, for example, concerns about care received while detained in hospital, or on a guardianship or community treatment order, contact the Care Quality Commission (CQC).
- If you are unsure, you can complain to any NHS service and they will ensure the right person receives the complaint.

►► **Step 2 – Receive an acknowledgement from the care provider**

- You should usually receive an acknowledgement (either verbally or written) of your complaint as well as an offer to discuss this complaint within 3 working days of submitting it.
- The service you complain to should let you know how long it is likely to take to investigate the complaint and respond to you.

Read more: <https://www.citizensadvice.org.uk/health/nhs-and-social-care-complaints/complaining-about-the-nhs/nhs-complaints-procedure/nhs-and-adult-social-care-services-how-complaints-should-be-handled/>

►► **Step 3 - Monitor the process with the provider**

- It is very important to find out who is the contact person for your complaint right at the start of the process, so you know who to contact for updates.
- There are no time limits set for responding to a complaint but if a response is not provided within six months from the date of the complaint, the provider must write to the complainant to explain the delay.
- There may be a possibility of face-to-face meetings and other communications whilst the complaint is being dealt with.

►► Step 4 – Look at the response

The response you receive should cover the following points:

- An explanation of how the complaint has been considered.
- An apology if appropriate
- An explanation based on facts
- Whether the complaint in full or in part is upheld.
- The conclusions reached in relation to the complaint including any remedial action that the organisation considers to be appropriate.
- Confirmation that the organisation is satisfied any action has been or will be actioned.
- Advising of any lessons learnt.
- Information and contact details of the Parliamentary and Health Service Ombudsman as the next stage of the NHS complaints process.

►► Possible Step 5 – Ask for a review by the Parliamentary and Health Service Ombudsman

- If you are not satisfied with the provider's response, and you don't feel that you have received the responses that you were expecting, then you can ask the Parliamentary & Health Service Ombudsman (PHSO) to review the case.
- This is a free, impartial and independent service. It makes final decisions on complaints that have not been sorted out by the NHS.
- It is often advisable to get some assistance from an advocacy organisation or someone else with experience in preparing your submission to the PHSO. You will most likely want to repeat your original complaint and include a copy of the NHS provider's response, but you will also need to make a statement as to why you are not satisfied and what you are looking for.
- There are more details about the PHSO here: <https://www.ombudsman.org.uk/>

Read more: <https://www.citizensadvice.org.uk/health/nhs-and-social-care-complaints/complaining-about-the-nhs/who-you-can-go-to-when-you-have-a-problem-with-the-nhs/asking-for-an-independent-review-by-the-parliamentary-and-health-service-ombudsman/>

A final appeal

If you are not satisfied with the response from the Parliamentary and Health Service Ombudsman:

- There is no right of appeal against decisions of the PHSO. However, it is possible to ask the Ombudsman to review their decision. If so, you will need to explain what information or issues they have failed to take into account.
- Once they have reviewed their decision, there are no further steps to take. This decision is then final.

■ COMPLETING THE COMPLAINTS PROCESS

The complaints process could take a relatively short time, or it could be months or years. Eventually, though, there comes a point when the process is complete. When that juncture is reached, you may feel that the issues that led you to make the complaint have been responded to adequately, or you may still feel dissatisfied. You may choose to seek another way to deal with unresolved issues, such as through campaigning and public awareness. Then again, you may find it better for your own well-being to try to let these issues rest. It is hard enough to live with the heart-breaking loss of your child without also fighting what might feel like an uphill battle.

Each of our children will always be remembered with love, regardless of the outcome of any complaint, and this is what we treasure the most.

The Compassionate Friends is a national charity supporting bereaved parents and their families. We publish a range of leaflets offering advice, guidance and support for bereaved parents and siblings. View the full range on our website: <https://www.tcf.org.uk/content/resources/>

Find out more about The Compassionate Friends: www.tcf.org.uk