

## Leeds Independent Health Complaints Advocacy Information Guide

### Introduction

Leeds Independent Health Complaints Advocacy is a **free, confidential** and **independent** service that supports people through the NHS complaints process. We can help if you feel you have not had the service you expect from the NHS and want to complain, using the NHS complaints procedure. This could be giving you information so you can make a complaint by yourself or giving you the support of an experienced worker who can help you to make your complaint.

The philosophy of the organisation is to go the extra mile in all aspects of its operation, to treat people with dignity and respect, recognising that “People don’t fit in boxes.”

#### Who can use the LIHCA service?

Our service covers all residents within the Leeds Metropolitan District area, even if the treatment was elsewhere.

#### What if I only need information?

You may just want to know how the complaint procedure works or who you should send a letter of complaint to. This Information Pack can help and further information can be found on our Website or on request by calling 0113 244 0606.

As part of our support for people making an NHS complaint we will be happy to provide interpretation, translation, British Sign Language, etc. Our Information pack can be provided in other languages on request.

#### What services are covered?

The NHS complaints procedure covers all health care provided by the NHS. We cannot assist you with complaints about privately funded treatment, in this case you should complain directly to the provider. Please see the ‘**Some things to bear in mind**’ section at the end of this guide.

#### How can a LIHCA Advocate help?

LIHCA Advocates work with you so that you feel confident to make a complaint.

##### Our Advocates will:

- provide information about the NHS complaints procedure
- help you to explore your options so you can decide what to do
- help you to put forward your views and make sure they are heard
- help you to understand what you can expect to achieve from making a complaint

##### An Advocate might also:

- help you to write letters
- prepare you for meetings and go to these with you
- help you to monitor the progress of your complaint

**Our advocates will not tell you what to do, you are always in control of your own complaint.**

If you have already started a complaint but would like support through the rest of the complaints process we can help you.

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### Making a complaint about NHS Care or Treatment

If you feel you haven't had the care or treatment you expect from the NHS you are entitled to complain and you can do this using the NHS complaints procedure. This means that the NHS organisation you complain to should follow the NHS Complaints Regulations, when responding to your complaint. LIHCA staff can help you to raise your concerns and the information below explains what is involved and whether the NHS complaints procedure is the best way to do this.

### Things to know before making a complaint

#### Time Limits

As a general rule, you should make your complaint within 12 months of the incident or within 12 months of realising that you have something to complain about. However, the NHS may use its discretion if particular circumstances prevent you from complaining in good time.

#### Who can complain?

You can make a complaint about services you have received from an NHS organisation or if you have been affected by any actions made by an NHS organisation.

#### Can I complain on behalf of someone else?

You can make a complaint on behalf of a friend or relative or someone you care for. If you are complaining on behalf of someone else it's a good idea to get their permission in writing, unless you have the patient's permission any response will be limited by patient confidentiality. If they cannot give consent because of incapacity or illness you can complain without their permission and explain why they can't provide their consent.

### Things to think about before making a complaint

#### Decide what you are unhappy about

Before you start, it is important to be clear about what it is that you are unhappy about. This can be any aspect of the care and services that you have received, but might include:

- Treatment or care
- The attitude of staff
- Waiting times
- Lack of information
- Failure to diagnose a condition
- Poor communication between services

#### Decide what you want to achieve

This will determine whether the NHS Complaints procedure is the right process for you. The usual outcomes from an NHS complaint are **an explanation, an apology if appropriate and an improvement to services.**

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### How to make a complaint

#### What are my options are for raising concerns or a making a complaint?

Once you are clear on what you are unhappy about and what you want to achieve you need to decide how best to raise your concerns. There are different ways that you can do this and it helps to think about which option you would prefer. Some issues may be dealt with more quickly and effectively outside the complaints procedure.

You could:

#### **(1) Speak to a member of staff directly**

Many concerns are caused by misunderstandings or miscommunication and can be resolved quickly when you tell someone.

If you feel able to, you can speak to a member of staff who is directly involved in your treatment, or to their manager, to explain what you are unhappy about. This is often the quickest way to put things right and stop them getting worse, especially if your complaint concerns ongoing treatment.

#### **(2) Speak to the Patient Advice and Liaison Service (PALS)**

If you feel uncomfortable talking directly to the member of staff involved or you have tried and it has not resolved your issues then a service called PALS may be able to help you.

PALS is part of your local NHS and provides information, advice and support to patients, families and their carers. They can speak to the staff on your behalf and may be able to help you resolve your concerns more quickly.

#### **(3) Make a complaint using the Complaints Procedure**

The Complaints Procedure may be the best route to follow if:

- Your concerns haven't been resolved fully by staff or PALS
- There are complex issues you wish to raise relating to standards of care which will require more in depth investigation
- More than one organisation is involved in the issues you wish to raise
- You would like a written response to your complaint

It may be helpful to keep a record of any phone calls and letters including details of who you wrote or spoke to, what was agreed and any action that needs to be taken.

There are two stages to the complaints procedure but most complaints are resolved during **stage one, Local Resolution.**

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### Local Resolution

The first part of the Complaints Procedure is called Local Resolution, the aim is to sort out your problem directly with the NHS organisation involved. This is your opportunity to explain what you are unhappy about and what you would like to happen. It gives the NHS organisation the opportunity to investigate, explain what happened and resolve your concerns. Where appropriate they will use your experience to improve services.

#### How to make a complaint

NHS Trusts prefer receiving complaints in writing, this can be by letter or email. If you would rather telephone, the complaints manager should make a written record of your complaint and you should be given a copy. It is important to raise everything that concerns you at this stage, as new issues cannot be introduced later as part of the same complaint.

If you would like advice on writing a complaint letter, please see our [Complaint Letter Guide](#).

#### Who do I complain to?

If your complaint concerns more than one NHS organisation you only need to complain to one of the organisations. They should then contact the other services involved and work together to investigate the complaint and provide one co-ordinated response.

If you want to complain about your hospital, ambulance service or most community healthcare contact the **Chief Executive of the NHS Trust**. (See our [Useful Contacts Guide](#))

For complaints about primary care and independent providers such as your GP, dentist, optician, pharmacist, or other independent NHS contractor you have two options:

**(a) You can complain directly to the NHS organisation by contacting the person in charge of complaints. In most GP and dental practices, this will be the practice manager.**

**OR**

**(b) You can complain to the Commissioner. (The commissioner is the organisation that asks the practice to provide NHS services)**

If you choose Option (a) and you are not satisfied with the response you cannot then raise the issue with the commissioner. The next stage of the complaints procedure will be to contact the Health Service Ombudsman. Please see our [Health Service Ombudsman Guide](#).

NHS England commissions Primary Care Services such as GPs, Dentists, pharmacies and some other community care however the local Clinical Commissioning Groups also commission some services.

*If you are not clear where to send your complaint, ask for advice from:*

- *the Patient Advice and Liaison Services (PALS) or the Patient Relations Team in larger organisations such as hospitals.*
- *NHS England on 0300 311 2233 for Primary Care Services*
- *The Leeds Clinical Commissioning Groups (CCGs) can be contacted on 0800 052 5270*

Please see our [Useful Contacts Guide](#) for details of local NHS organisations

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### What happens when the NHS Organisation receives your complaint?

#### Acknowledgement

The NHS organisation you have complained to should acknowledge your complaint within 3 working days. An acknowledgement letter should include a timescale for resolving the issues and may offer you the opportunity to contact them to discuss this.

Someone from the NHS organisation may contact you to discuss your complaint and arrange a plan and timescale to resolve your concerns with you.

#### Timescales

The timescales can be influenced by issues such as how many staff they need to speak to, how easy it is for them to access your medical records and if other NHS organisations 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 new date.

If you haven't received a response letter within six months of your original complaint the Trust should write to you explaining the reason for the delay and telling you when you should expect a response which should be as soon as reasonably practicable after this time.

### How should the NHS investigate your complaint?

The Trust should try to resolve your issues in the most appropriate way. This may include:

- Talking to people who were involved in your care
- Looking at medical and nursing records
- Asking other professionals to review what happened
- A meeting with you, this gives you the chance to speak to staff directly about what has happened. You can take a friend, relative and /or an Advocate with you.

### The Response

When the investigation is complete and any meetings have been held, the Chief Executive, or Practice manager should send you a letter on behalf of the NHS organisation.

This letter should contain:

- a summary of your complaint
- how it was investigated
- what the investigation found
- any actions that are going to be taken as a result
- what to do if you are still unhappy with the answers given.

The letter should be clear and easy to understand, medical jargon should be avoided or explained. If you haven't received this letter within the timescale agreed you may want to check when you can expect to receive it.

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### What if I am not happy with the response?

If you are not satisfied with the reply it is useful to look carefully through the response and see what has been answered and what you feel is still outstanding. It may help to review:

- any letters and meetings
- which parts of your complaint have been answered and what is still outstanding
- whether the complaint was handled properly
- whether anything more could have been done

### What are my options?

The first thing to do is to tell the NHS organisation that you aren't satisfied with the response you have received.

- you can write another letter explaining what you feel is still outstanding
- you can call the person handling your complaint and discuss the response with them
- you can request a meeting to discuss your outstanding concerns

Further investigation into your complaint may be carried out, you may be invited to a meeting to discuss things and you should receive a final written response.

The NHS organisation you are complaining about may feel that everything has been done to answer your complaint and if so, they should inform you in writing.

If Local resolution has been completed and you are still not satisfied with the response you can ask the **Health Service Ombudsman** to look at your complaint and how it was handled. This is **stage two** of the NHS Complaints procedure.

For more information on the role of the Health service Ombudsman please ask for our [Health Service Ombudsman Guide](#)

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### *Some things to bear in mind .....*

#### **Compensation for Clinical negligence**

This is only possible through legal action and you will need to speak to a solicitor who specialises in medical or clinical negligence.

There are time limits for making legal claims and a claim must be made **within 3 years** of the incident happening or when you became aware of the incident. This is a very strict timeframe.

#### **Private medical treatment**

Private healthcare services have their own complaints procedure that you can follow, you should contact them directly and ask what their procedure is.

However if your care and treatment was carried out by a private organisation but was funded by the NHS then the NHS complaints procedure applies. We can only support you if your complaint is about NHS funded healthcare.

#### **Disciplinary action against an NHS staff member**

The NHS procedure cannot be used to instigate disciplinary action against a member of NHS staff. This could however happen under a separate procedure as result of your complaint

#### **Removal of Licence to practice (Struck off)**

The General Medical Council, The Nursing and Midwifery Council, The General Dental Council and other professional bodies deal with whether a clinician is fit to practice and complaints can be made directly to them. This isn't part of the NHS Complaints procedure and we can't help with this, although you can complain to these bodies at the same time as making an NHS Complaint

#### **Diagnosis or Treatment**

The NHS complaints procedure cannot guarantee medical treatment or a diagnosis. If you are looking for immediate medical treatment you should see your GP or speak with the Patient Advice and Liaison Service (PALS) at the hospital.

Please see our [Useful Contacts Guide](#) for details of how to contact other organisations