



In partnership with  
**healthwatch**  
Surrey



Getting the support you need

# NHS Health Complaints Advocacy

## Fast Fact 1 - Raising your complaint

### Who can complain?

Anyone can complain about an NHS service they have received.

A complaint can also be made on behalf of a child, a friend or a relative, someone who is cared for or someone who is deceased. If the complaint is made on behalf of someone else, you will need their written consent. If they don't have capacity to consent, you can make a complaint without their permission if it's in their best interests.

However, you may be asked to provide proof that you have authority to act on their behalf.

### What organisations can you complain about under the NHS complaints procedure?

You can complain about any NHS service you have received.

The NHS complaints procedure doesn't include private medical treatment complaints unless your care and treatment was carried out by a private organisation but funded by the NHS.

You can complain about a care home or nursing home under the NHS complaints procedure if it's paid for by the NHS.

### Is there a time limit for making a complaint?

A complaint should be made within 12 months of the incident or within 12 months of you realising that you have something to complain about. However, the NHS may agree to investigate a complaint outside this time limit if they feel it's justified.

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## How do I make a complaint?

Some concerns can be resolved quickly by speaking to a member of staff who's involved with your treatment, rather than by making a formal complaint under the NHS complaints procedure.

If your complaint concerns a hospital, PALS (Patient Advice and Liaison Service) may be able to help. PALS is part of the local NHS and provides information, advice and support to patients, carers and their families.

If you've only approached PALS, your concerns will not be recorded as a formal complaint. However, if PALS are unable to resolve the issue, you can still make a formal complaint using the NHS complaints procedure.

The NHS tends to prefer receiving complaints in writing, either by email or post, but you can also complain by phone or in person. We can support you with writing letters of complaint as part of the NHS complaints procedure, if you don't feel confident about raising your concerns yourself.

If you've already made a complaint before approaching us for support, please let us know and provide us with copies of the relevant correspondence with your referral form if possible.

## What information should I include in my complaint?

- A summary of your complaint, including what happened, when, where, who was involved and whether you've already made a complaint about the incident;
- any questions you'd like to ask the organisation/s you're complaining about; and
- an idea of the outcomes you're seeking from your complaint. There are some outcomes that you can't pursue under the NHS complaints process, including compensation, disciplinary action against an NHS staff member or asking for an NHS staff member to be 'struck off'. The NHS complaints process cannot guarantee immediate medical treatment or provide a diagnosis. You can ask for outcomes such as an apology, an explanation or a change to services.

Try to include everything of concern in the initial letter of complaint, as new issues cannot be readily introduced later as part of the same complaint.



## Compensation

We cannot support you to claim compensation as this isn't part of the NHS complaints process. Compensation is usually only possible through legal action and you will need to speak to a solicitor who specialises in medical or clinical negligence. A claim must be made within three years of the incident happening or you realising that you have something to complain about.

The Law Society can help you find a solicitor in your area. Their helpline is open from 9am to 5pm, Monday to Friday, and the number is 020 7242 1222. Their website is [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

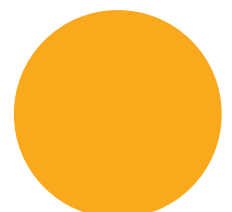
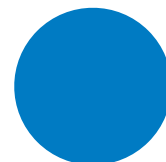
Action against Medical Accidents (AvMA) is a medical charity that may help or guide you with regard to medical accidents. Their helpline is open from 10am to 3.30pm, Monday to Friday, and the number is 0845 1232352. Their website is [www.avma.org.uk](http://www.avma.org.uk)

The Legal Aid Agency provides criminal and civil legal aid and advice to help people deal with their legal problems. Their number is 0300 200 2020 and their website is [www.gov.uk/government/organisations/legal-aid-agency](http://www.gov.uk/government/organisations/legal-aid-agency)

## Disciplinary action and removal of license to practise (getting 'struck off')

We cannot support you to pursue getting a member of NHS staff disciplined or 'struck off' as this isn't part of the NHS complaints process. To complain about an individual's fitness to practise, contact the appropriate professional regulatory body.

- The General Medical Council - 0161 923 6602  
[www.gmc-uk.org/concerns](http://www.gmc-uk.org/concerns)
- The Nursing and Midwifery Council - 020 7673 7181  
[www.nmc.org.uk/concerns-nurses-midwives](http://www.nmc.org.uk/concerns-nurses-midwives)
- The General Dental Council - 020 7167 6000  
[www.gdc-uk.org](http://www.gdc-uk.org)



## What response can I expect to my letter of complaint?

The organisation you're complaining about should acknowledge your complaint within three working days and let you know how long it's likely to take them to investigate it. When the investigation is complete, you should receive a letter from the organisation you're complaining about, including:

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

## What next?

If you're satisfied with the organisation's response to your letter, the complaint process has come to an end. However, if you remain unsatisfied, the next step is usually a Local Resolution Meeting (LRM) - please see Advocacy Fast Fact 2: Local Resolution Meetings.

If you are not satisfied with the way your complaint has been handled once the Local Resolution process is complete, you have the right to refer your complaint to the Ombudsman - please see Advocacy Fast Fact 3: The Parliamentary and Health Service Ombudsman.

**The Independent Health Complaints Advocacy Service is provided by SILC  
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If you would like this information in large print, on audio  
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