

Your rights and how to make a complaint



Most medical care and treatment goes well, but things occasionally go wrong, and you may want to complain. So where do you start? Every NHS organisation has a complaints procedure. To find out about it, ask a member of staff, look on the hospital or trust's website, or contact the complaints department for more information.

What are my rights?

If you're not happy with the care or treatment you've received or you've been refused treatment for a condition, you have the right to complain, have your complaint investigated, and be given a full and prompt reply.

The NHS Constitution explains your rights when it comes to making a complaint. You have the right:

- to have any complaint you make about NHS services acknowledged within three working days and to have it properly investigated;
- to discuss the manner in which the complaint is to be handled, and to know the period within which the investigation is likely to be completed and the response sent;
- to be kept informed of progress and to know the outcome of any investigation into your complaint, including an explanation of the conclusions and confirmation that any action needed in consequence of the complaint has been taken or is proposed to be taken;
- to take your complaint to the independent Parliamentary and Health Service Ombudsman or Local Government Ombudsman, if you are not satisfied with the way your complaint has been dealt with by the NHS;

- to make a claim for judicial review if you think you have been directly affected by an unlawful act or decision of an NHS body or local authority;
- to compensation where you have been harmed by negligent treatment.
- to ensure that when mistakes happen or if you are harmed while receiving health care you receive an appropriate explanation and apology, delivered with sensitivity and recognition of the trauma you have experienced, and know that lessons will be learned to help avoid a similar incident occurring again (pledge); and

The NHS also commits:

- to ensure that you are treated with courtesy and you receive appropriate support throughout the handling of a complaint; and that the fact that you have complained will not adversely affect your future treatment (pledge);
- to ensure that the organisation learns lessons from complaints and claims and uses these to improve NHS services (pledge).



NHS complaints process

1

Your first step will normally be to raise the matter (in person, in a letter, in an email or by telephone) with the person responsible for complaints in the organisation concerned. In a GP or dental practice this will usually be the practice manager. If you want to complain about your hospital or ambulance service, contact the Complaints Manager or the Chief Executive of the NHS Trust. NHS organisations tend to prefer having complaints in writing but, if you would rather telephone or go in person, the Complaints Manager should make a written record of your complaint and give a copy to you. Alternatively, if you prefer, you can raise the matter with the relevant commissioning body such as NHS England or the Clinical Commissioning Group. The process is called local resolution, and most cases are resolved at this stage.

2

If you're still unhappy, you can refer the matter to the Parliamentary and Health Service Ombudsman, who is independent of the NHS and government. Call **0345 015 4033**.

When should I complain?

You should make your complaint as soon as possible. The NHS complaint procedure states that you should make your complaint within 12 months of either the event you are complaining about or as soon as the matter came to your attention. This time limit can be extended as long as the complaint can still be satisfactorily investigated.





I want to make a complaint about a GP, dentist, pharmacist or optician


You can complain to either the provider or the commissioner of the health service you are unhappy about. You should complain to your service provider such as GP, dentist, hospital or pharmacist first as it's better if your complaint can be resolved locally and quickly to your satisfaction.

Alternatively you can complain to NHS England which is the commissioner or purchaser of Primary Care (GPs, dentists, opticians, pharmacy).

You can do this:

 NHS England, PO Box 16738, Redditch B97 9PT

 **0300 311 22 33**

 **england.contactus@nhs.net**
(write "For the attention of the complaints manager" in the subject line)

 **www.england.nhs.uk/contact-us/complaint**

I want to make a complaint about another NHS service

NHS Medway Clinical Commissioning Group (CCG) buys the majority of the following services* for Medway residents:


- Urgent and emergency care (including 111, A&E and ambulance services)
- Out-of-hours primary medical services (MedOCC)
- Elective hospital care (outpatient appointments and operations)
- Community health services (such as community nursing, rehabilitation services, speech and language therapy and wheelchair services)
- Maternity and newborn services
- Children's healthcare services (mental and physical health)
- Mental health services

*Note: This is a general overview; there are some specialist areas in the above services that NHS England commissions.


To complain about any of these services it is best if you contact the service provider directly but, alternatively, you may direct your complaint to NHS Medway CCG as commissioner of the service, or if you wish to complain about the way a service is commissioned, or a service gap, or failure.

You can do this:

 Complaints Manager,
NHS Medway CCG, Fifty
Pembroke Court, Chatham
Maritime ME4 4EL

 **01634 335069 or 335111**

 **medway.ccg@nhs.net**

 **www.medwayccg.nhs.uk/
contact/comments-and-
complaints/submit-your-
query**

The NHS complaints regulations do not permit the CCG to conduct a second investigation if the provider has already investigated and responded to a complaint.



My complaint is about several different NHS organisations - who should I write to?

Unfortunately there is not a simple answer and you may want to first telephone one of the organisations listed under the "who else can help?" section to talk through the options. In cases where the complaint is in part about care commissioned by NHS England (for example a complaint about a doctor and a hospital service), NHS England will take on the role of co-ordinating your complaint so that you don't have to write to both NHS England and the hospital). But it makes sense to send your complaint to the organisation where the bulk of complaint lies. Under the NHS complaint regulations, providers have a duty to co-operate with each other to co-ordinate responses to complaints.

I want to complain on behalf of someone else

You can complain for a friend or relative as long as they agree, in writing, to let you complain on their behalf. You do not need written permission if:

- The person is very ill, or does not have the capacity to give permission because of an impairment or a disability.
- Your friend or relative has died.

Young persons (under age 18) are entitled to complain independently. The NHS cannot consider a complaint made on behalf of a young person unless they are sure that the young person is unable to complain themselves.



Who else can help?

Making a complaint can be daunting, but help is available. In addition to contacting NHS Medway CCG or NHS England the following organisations are a source of helpful information and advice:

Your local hospital - Medway NHS Foundation Trust Patient Advice and Liaison Service (PALS)

PALS offers confidential advice, support and information on health-related matters to patients, their families and their carers. You can contact the PALS team:

✉ Medway Maritime Hospital, Windmill Road, Gillingham ME7 5NY

☎ **01634 825004** or **01634 830000 x5793**

@ **Pals@medway.nhs.uk**

Or if you wish to make a complaint about Medway Maritime Hospital:

@ **complaints@medway.nhs.uk**

☎ **01634 825216**

✉ By writing to the complaints manager at the address above

NHS Complaints Independent Advocacy Service

SEAP (Support, Empower, Advocate, Promote) is available to support you and represent your views when making a complaint about the NHS. You can contact them:

☎ **0330 440 9000**

✉ SEAP, PO Box 375,
Hastings TN34 9HU

@ **info@seap.org.uk**

💻 **www.seap.org.uk**

Your local community services and GP out of hours (MEDocc) provider - Medway Community Healthcare CIC

✉ Customer Care Manager
Medway Community
Healthcare
7-8 Ambley Green, Bailey
Drive, Gillingham Business
Park, Gillingham ME8 0NJ

☎ **01634 382266**

@ **medwaycustomer@nhs.net**

The Parliamentary and Health Service Ombudsman (PHSO)

If you are not content with the response you receive to your formal complaint, the next step is to escalate your complaint to the PHSO:

✉ Millbank Tower, Millbank,
London SW1P 4QP

☎ **0345 015 4033**

@ **phso.enquiries@ombudsman.org.uk**

Medway Citizens Advice Bureau

The Medway Citizens Advice Bureau (CAB) can be a great source of advice and support if you want to make a complaint about the NHS, social services or local authorities. You can contact Medway CAB:

☎ **01634 383760**

✉ Third Floor Kingsley House,
37-39 Balmoral Road,
Gillingham, Kent ME7 4PF

@ **info@cabmedwayadvice.org.uk**

💻 **www.medwayadvice.org.uk**




Patient feedback and comments

Patient feedback is very important - good or bad. Comments from patients tell NHS organisations which factors are contributing to a good or bad experience for patients and allow organisations to share with staff and take action as required. You can make comments, good or bad, directly to the organisation concerned or you can leave feedback via:

 NHS Choices website
www.nhs.uk (comments section on home page)

Comments left on NHS Choices are also transferred through to Patient Opinion.

 **www.patientopinion.org.uk**

 **0800 122 3135.**



Patient Opinion is the UK's leading independent non-profit feedback platform for health services. Medway CCG reviews all feedback left by patients on Patient Opinion relating to services that it commissions.


healthwatch


Medway

Healthwatch Medway is an independent organisation that aims to give Medway citizens and communities a stronger voice to influence and challenge how health and social care services are provided within Medway.

In addition Healthwatch Medway also provides a signposting service to people to help them make choices about health and care services.

You can contact Healthwatch Medway:

 Healthwatch Medway,
Second Floor, Kingsley
House, 37-39 Balmoral Road,
Gillingham ME7 4PF

 **01634 566777**

 **info@medway
healthwatch.co.uk**

 **www.healthwatch
medway.co.uk**

 Facebook **www.facebook.
com/healthwatchmedway**

 Tweet to **@HwatchMedway**

NHS Medway Clinical Commissioning Group

Did you find this leaflet helpful? Let us know

 Fifty Pembroke Court, Chatham Maritime, Kent ME4 4EL

 **01634 335020**

 **medway.ccg@nhs.net**

 **[www.medwayccg.nhs.uk/contact/
comments-and-complaints/submit-your-query](http://www.medwayccg.nhs.uk/contact/comments-and-complaints/submit-your-query)**

 **@NHSMedwayCCG**

This leaflet is also available in an easy-read version.