



Guide to Making a Complaint About Medical Treatment

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If you are dissatisfied with the medical treatment that you or a family member have received then you are entitled to make a complaint.

Complaint guide

This guide will help you to prepare a complaint letter and provide information regarding where you should send your complaint to.

There are different procedures to follow to make a complaint depending upon whether your treatment was provided through the NHS or privately.

NHS complaints

Which organisations are covered by the NHS complaints procedure?

- All NHS hospitals
- GPs
- NHS dentists
- Pharmacists
- NHS optometrists
- Walk-in centres
- Mental health services
- All community health services provided by the NHS (which will be provided by your local clinical commissioning group, area team or local authority)

Who should I complain to?

This depends upon whether you wish to make an informal or a formal complaint.

Informal

This may be appropriate if you are simply dissatisfied about procedures within an NHS organisation (i.e. waiting times), wish to have something in particular put right, just want to voice a concern or if you are unhappy with a particular medical professionals' advice or assistance.

If you wish to register a complaint informally, then the first step would be to either speak to the medical professional concerned or to their manager.

If you feel uncomfortable speaking to the people concerned directly and your complaint involves an incident in hospital, then you can contact the patient advice and liaison service (which exists within most NHS Hospitals) and they can contact the people involved, attempt to resolve your concerns for you and feedback the response.

If your concern relates to treatment in another NHS organisation (i.e. GP, NHS dentist etc.) you could check whether they have a complaints department (by looking at their website or speaking with a member of staff) and then speak to them about your complaint.

TIP – Make a note of the name of the person that you have complained to, the date that you made the complaint and their response. This information can then be used, if necessary, in any formal letter of complaint.

Formal

If you wish to make a formal complaint, you should use the NHS complaint procedure. You can find out about this procedure at most GP surgeries, dentists, hospitals etc. as there are usually leaflets available (normally at their reception desks) telling you how you can make a complaint.

In the first instance you should send your complaint to the chief executive of the hospital where you have received the treatment you wish to complain about.

If you are complaining about treatment that you have received at your GP surgery, NHS dentist or other NHS organisation, you should send your complaint to the complaints department or complaints manager (again if you are unsure who to send your complaint to then look at the website or ask a member of staff).

You can make your complaint:

Verbally

You can speak to the patient advice and liaison service (at hospital), complaints department or to the complaints manager by telephone. They must then make a written record of the details of your complaint and send this to you for your approval.

In writing or by email

This is the best way to ensure that the full details of your complaint are recorded and therefore can be fully considered. You should address your complaint letter or email to the complaints manager, complaints department or chief executive.

TIP – See our template of a written complaint letter below. However, it is important to include:

- Full details of all of your relevant medical treatment and any steps that you have already taken in relation to raising your complaint
- Full details of your concerns and why you are dissatisfied with your treatment
- What you want to achieve by making the complaint, i.e. an apology or answers to your queries

TIP – Keep a copy of your complaint letter and copies of any responses you receive.

TIP – If the response to your complaint is difficult to understand (i.e. it contains medical terms), contact the person who has supplied the response and ask for clarification.

What happens next with my complaint letter?

The person who has received your complaint should acknowledge receipt of it within 3 working days and provide you with information as to how it will be investigated and when you should receive a response.

There is no formal time limit for the response. The guidelines for the NHS suggest that a response to a complaint should be prepared within 25 working days, but this is not always possible. You should be kept updated regarding the progress of the investigation and you should be informed of any delays and given a date of when you should expect to receive the response.

You may be invited to attend a meeting so that the issues raised within your complaint can be discussed. The people in attendance at the meeting would usually be your treating doctor, any other relevant medical professional required to fully address your concerns and a member of staff from the complaints department.

You may find it helpful to have a discussion about your complaint, as you can then ask the doctors to clarify medical terms and ask any further questions that arise during the meeting. You are also still entitled to receive a full written response to your complaint at the conclusion of the meeting.

You are not obliged to attend a meeting. If you do not wish to attend a meeting, then you can still ask for a full written response to your complaint.

TIP – Ask the person who contacts you to arrange the meeting who will be attending.

TIP – Make a checklist of concerns before the meeting to remind you of the issues that you want to discuss and take these with you.

TIP – Consider taking a friend or relative with you so that they can offer you support or take notes during the meeting.

TIP – Ask the complaint manager for minutes to be taken at the meeting and for a written copy of these minutes to be sent to you.

Response from the NHS

The response to your complaint should contain an explanation of your treatment and address your concerns. If appropriate, they may also offer you an apology for what has happened and may also explain whether any action has been taken as a result of your complaint.

The NHS will not usually offer financial compensation or our inform you of any staff disciplinary actions.

You should consider the response carefully. If you have any further questions or concerns, then we would encourage you to raise these either verbally with the person who has answered your complaint or in another letter.

Independent Review by the Parliamentary and Health Service Ombudsman

If you are still not satisfied with the response that you have received from the NHS organisation (or if they have failed to provide you with a response within a reasonable amount of time, usually 6 months), then you have a right to request an Independent Review from the Parliamentary and Health Service Ombudsman (contact details provided below).

You should write to the ombudsman within 12 months of the relevant medical treatment or within 12 months of when you first became aware that something may have gone wrong.

You should set out in your letter to them the details of your medical treatment, where you had your medical treatment, your concerns, what action you have taken so far, why you believe the NHS organisation has not satisfactorily dealt with your concerns and why you feel an independent review is necessary (i.e. you may feel as though your concerns have not been investigated properly or have not been taken seriously or you may feel that further action should be taken in response to your complaint).

The ombudsman should acknowledge receipt of your letter within 2 working days and give you a reference for your case.

The ombudsman will then investigate your concerns and if your complaint is found to be justified they will seek a remedy for you, which can include an apology or, in some circumstances, financial compensation.

The ombudsman will keep you updated regarding the progress of your complaint and you will receive a final decision from them as soon as possible.

Private health complaints

Who are covered?

- Any private doctor
- Private dentists
- Private chiropodists/physiotherapists/acupuncturists/podiatrists
- Beauty therapists
- Private nursing or care homes
- All private hospitals

Who should I complain to?

If you are unhappy with treatment that has been provided to you by a private medical professional or at a private nursing home, care home, clinic or hospital, then there are a number of ways you can make a complaint:

- Discuss your concerns with the medical professional concerned or to their manager
- Make a formal written complaint to the medical professional, nursing home, care home, clinic or hospital

Most private healthcare providers will have their own complaints procedure. You can usually find their complaints procedure on their website or you can contact the organisation directly and speak to a member of staff, manager or the complaints department (if they have one) to ask for the details of their complaints procedure and then follow the necessary steps. It is usual to find that the complaint procedure is quite similar to the NHS complaint procedure (set out above).

- If you have serious concerns about an individual medical professional's abilities, then you should make a complaint to their professional regulatory body.

You can find out the details of the professional's regulatory body by either checking their letterhead or offices for information or researching online.

Examples are:

| | |
|-------------------------|-------------------------------|
| For doctors | General Medical Council |
| For nurses and midwives | Nursing and Midwifery Council |
| For dentists | General Dental Council |
| For chiropractors | General Chiropractor Council |

If you would like some guidance as to what to include in your letter of complaint then please visit the General Medical Council's website: www.gmc-uk.org/concerns/making_a_complaint/a_patients_guide.asp

You should write to the regulatory body setting out your concerns about the medical professional.

The regulatory body will investigate your concerns and will decide whether the medical professional is still fit to practice. After an investigation, they may stop them from practising or they may allow them to continue to work with restrictions or conditions attached.

What happens next with my complaint letter?

If you send a complaint letter to a medical professional, nursing home, care home, clinic or hospital, then there are a number of different outcomes that can occur:

If they are a member of the Independent Healthcare Advisory Service (they should display the logo below at their premises or on their letterhead), then their code of practice states that they are required to investigate your complaint and provide you with a full response.



There are three stages to the Independent Healthcare Advisory Service's complaints code of practice; local resolution (first stage), complaint review (second stage) and independent external adjudication (third stage).

The first stage is when you send your initial letter of complaint to the medical professional involved and their manager at the nursing home, care home, clinic or hospital etc. According to the code of practice, you should receive an acknowledgement of your complaint within 2 working days and a full response within 20 working days.

If you are dissatisfied with the response (or you do not receive a response), then you can request a complaint review (second stage) by writing to the designated senior officer, usually the chief executive or managing director of the organisation, within 20 days of receiving the initial response (or if 20 working days have passed and you have not received a response). Your complaint will then be considered by the senior officer and they will provide their views upon the response (of lack of it).

If you remain dissatisfied following the senior officer's response, then should then write to the independent external adjudication secretariat (third stage) for a review within 25 days of receiving the response (contact details provided below). An adjudicator will make a decision as to whether it is appropriate to review your complaint and, if so, you will be notified of the outcome of this review within 60 days.

- A private doctor may be a member of the Independent Doctors Federation. If so, they have a similar code of practice to the Independent Healthcare Advisory Service set out above.
- If the medical professional, nursing home, care home, clinic or hospital is not a member of the Independent Healthcare Advisory Service and they do not respond to your complaint, or you are dissatisfied with their response, then you can contact the Quality Care Commission.

The Quality Care Commission will not be able to consider the details of your individual complaint or the organisation's response, but they will take account of the information that you have provided and will consider if the organisation has committed any breaches under any of the relevant regulations. If they have, then the Quality Care Commission are required to take action to bring about improvements.

You may therefore only wish to take this step, if you would like the organisation to improve their service and/or ensure that other patients receive a better standard of care in the future.

Time limits

A complaint should usually be made at the earliest opportunity and, at the most, within 12 months of the relevant medical treatment. This guideline is in place to ensure that the doctors', nurses' etc. recollection of events is clear and to ensure that your medical records are readily available for review.

The NHS has discretion to consider complaints outside of 12 months and will consider issues such as the duration of your illness and the date that you were first aware of concerns regarding your medical treatment.

It is always worthwhile submitting a letter of complaint, even if you are outside the time limits as they may respond.

Still dissatisfied?

If you are still dissatisfied with the outcome of your complaint and wish to seek legal advice, then call our specialist clinical negligence department today for free on **0333 344 4885** or visit our online enquiry form www.stephensons.co.uk/site/contact/ and someone will call you back. You may be entitled to compensation.

Useful contacts

The Patient Advice and Liaison Service - exist within most NHS Hospitals
Website - www.pals.nhs.uk

The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP
Website - www.ombudsman.org.uk
Complaints Helpline - 0345 015 4033

Independent Healthcare Advisory Service
Centre Point
103 New Oxford Street
London
WC1A 1DU
Website - www.independenthealthcare.org.uk
Telephone - 020 7379 8598

Independent External Adjudication Secretariat
C/o Independent Healthcare Advisory Services
Centre Point
103 New Oxford Street
London
WC1A 1DU

Care Quality Commission
CQC National Customer Service Centre
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
Website - www.cqc.org.uk
Telephone - 03000 616161

General Medical Council
Fitness to Practice Department
General Medical Council
178 Great Portland Street
London
W1N 6JE
Website - www.gmc-uk.org
Telephone - 0207 580 7642

Nursing and Midwifery Council

23 Portland Place

London

W1B 1JA

Website - www.nmc-uk.org

Telephone – Fitness to practise 020 7462 5800 / 5801

General Dental Council

37 Wimpole Street

London

W1M 8DQ

Website - www.gdc-uk.org

Telephone – 0207 887 3800

General Chiropractor Council

44 Wicklow Street

London

WC1X 9HL

Website - www.gcc-uk.org

Telephone – 020 7713 5155

Action Against Medical Accidents (AvMA)

AvMA is a charity to assist victims of medical accidents.

Action against Medical Accidents

44 High Street

Croydon

Surrey

CR0 1YB

Website - www.avma.org.uk

Helpline – 0845 123 23 52

If you would like help with making a complaint:

You can ask your local **Healthwatch** to put you in touch with the NHS complaints advocacy provider for your area.

Website - www.healthwatch.co.uk

or call Healthwatch England on 03000 683 000.

You could go to your local **Citizens Advice Bureau** - www.citizensadvice.org.uk

You could contact **Action Against Medical Accidents (AvMA)**

Website - www.avma.org.uk

or call the Medical Accident Helpline - 0845 123 2352.

Template for complaint letter

(Insert the name of the person dealing with your complaint
– i.e. chief executive/complaint manager)
(Insert their full address)

(Insert your name)
(Insert your full address)
(Insert the date)

Dear Sirs

I wish to make a complaint regarding the care that I received at/by (insert Hospital or Doctor's name) on (date) or from (date) onwards.

(Outline any relevant medical history)

(Provide full details of the medical treatment that you have received that you wish to complain about)

(Explain if you have already made an informal complaint and what the outcome of this was)

I would be grateful if you could respond to the following queries:

(List the concerns you have)

For example, 1) Why did you miss the fracture on the x-ray?
 2) Why did you not refer me earlier?
 3) Has the delay in the referral or diagnosis of my condition resulted in a worse prognosis for me?

I would be grateful if you could fully investigate the issues that I have raised and respond to my complaint (in writing) within (insert number of days) as a matter of priority.

Yours faithfully,

If you have a legal concern we would welcome the opportunity to discuss it with you and provide some free initial advice.

Working with you, for you

At Stephenson's our clients are real people and they live and work in the real world - which at times can be an unpredictable place. But whatever it throws at them we're never far away to help. Because we're real people too and we understand our clients needs. Our similarities mean we can work side-by-side to get the best outcome possible. It also means we can tailor our legal costs and services to lots of different circumstances. Ensuring everyone gets the representation and result they deserve for their individual circumstances. Our business is to deliver legal services that work for our clients, you can trust our specialists to take care of things on your behalf.

Call us on **0333 344 4885** or email **enquiries@stephensons.co.uk**
www.stephensons.co.uk