

Thank you for your enquiry.

Please find enclosed the NHS Complaints Self Help Pack, which is designed to help you understand the different ways of complaining about NHS funded services. It may be the case that by using this information, you are able to self-advocate. Please also see the enclosed leaflet which explains how the Healthwatch Swindon NHS Complaints Advocacy Service can help.

Please be aware that the demand for our service exceeds the amount of support we can provide. Therefore we operate a prioritisation procedure to ensure that full casework is provided to those who need it most.

We always encourage individuals to self-advocate as far as possible.

If after reading the enclosed information, you feel that you need further assistance to make a complaint, please contact Healthwatch on 07568 291677, or email nhs.complaints@healthwatchswindon.org.uk

An Advocate will then get in touch in order to determine what level of service we can offer you.

If we do not hear from you within the next two weeks, we will assume that you do not require a service from us.

Kind regards
NHS Complaints Advocate





the care forum
Informed voices & choices
in health & social care

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NHS COMPLAINTS SELF-HELP PACK FOR PEOPLE LIVING IN SWINDON

INTRODUCTION

This self-help guide aims to help you understand the process involved in raising concerns and making complaints about the NHS so you can feel confident in making your own complaint if you so wish.

If you would like more support from the Healthwatch Swindon Complaints Advocacy Service please see the enclosed leaflet. If, after reading this pack, you need any further help or information, contact us on

- 01793 497777
- by e-mail at nhs.complaints@healthwatchswindon.org.uk



WHY MAKE A COMPLAINT?

People make complaints to achieve a variety of things, such as

- To ask for an explanation as to what exactly happened and why
- To ask for an apology
- To receive a different or an improved service
- To enable changes to be made

WHAT SORT OF THINGS CAN I COMPLAIN ABOUT?

You can use the procedure to complain about anything you feel unhappy with about treatment from the NHS, such as

- Staff being rude or unhelpful
- Poor service or the lack of a service
- Failures to follow policies or procedures
- Delays in things happening
- Waiting times
- Failure to diagnose a condition

WHAT THE COMPLAINTS PROCEDURE CAN AND CANNOT ACHIEVE

Before making a complaint it is important to think about what you want to achieve as the NHS Complaints Procedure can only deal with certain matters.

Under the NHS Complaints Procedures, NHS organisations

- **CAN** carry out an investigation and provide an explanation
- **CAN** offer an apology or some other statement of regret
- **CAN** look at ways of putting things right – to ensure the same does not happen to others and changes can be made

The NHS Complaints procedure:

- **CANNOT** look at issues directly relating to discipline, for example whether a staff member should be sacked or 'struck off'. However, as a result of a complaint, there may be an internal action, such as a disciplinary. Due to personnel confidentiality, a complainant is unlikely to know the outcome of such an action.

- **CANNOT** look at complaints treated under private healthcare (you would need to complain directly to the private organisation) unless this was paid for by the NHS.
- **CANNOT** offer financial compensation (you need to get legal advice), except for reimbursement, for instance for lost property.

WHO CAN COMPLAIN?

Adults and children who have been a patient within the NHS can make a complaint. You can also complain on behalf of someone else in certain circumstances including:

- A complaint may be made on behalf of a child (under 18) if they are unable to make the complaint themselves.
- On behalf of a friend or relative (you will need to get their consent in writing), for example if they are unable to manage the complaints system.
- On behalf of a friend or relative who is very ill or does not have the capacity to give their consent (the NHS trust would then confirm the patient's lack of capacity before accepting the complaint).
- On behalf of a relative who has recently died.

Carers, parents, and staff would usually be considered as appropriate people to make a complaint on behalf of a patient.

ARE THERE TIMESCALES TO MAKE A COMPLAINT?

You should make your complaint within 12 months of the incident happening or within 12 months of you realising you have something to complain about. The NHS can decide whether they will use their discretion to look at issues beyond these timescales for example if you have been ill and unable to complain within this time.

MAKING COMPLAINTS OR RAISING CONCERNS ABOUT NHS SERVICES IN SWINDON

The way the NHS is run has changed. The primary care trusts that used to have responsibility for an area's entire healthcare needs have been disbanded. The responsibility has been split between Clinical Commissioning Groups and NHS England (you may have heard this called the National Commissioning Board). This means that there are different organisations to complain to or raise concerns with depending on what service you have a problem with.

Clinical Commissioning Groups:

The Swindon Clinical Commissioning Group (CCG) has responsibility for commissioning hospital, mental health, community and GP services for the people of Swindon. For complaints or concerns about the decision making processes used by the local Clinical Commissioning Group; for example the decision to cease operating a service in the area or the outcomes of decisions, please contact:

PALS and Complaints Team

Priory Road Medical Centre

Priory Road

Park South

Swindon

SN3 2EZ

0300 200 8844

scwcsu.palscomplaints@nhs.net

Although the CCG oversee all comments, concerns, compliments and complaints that are received, they have delegated management of the complaints process to the South, Central and West Commissioning Support Unit (SCWCSU). This will involve the CSU accessing patient records and disclosing relevant information to the CCG

Where a complaint is made to the CCG about another Organisation e.g. a local hospital it will be necessary for the details to be shared with them for investigation and response.

For ease, we have also included below the contact details for some of the key service providers for Swindon

Great Western Hospital (GWH)

Complaints which relate to GWH (**including Swindon Community Health Services**) can be made by contacting the Patient Advice and Liaison Service (PALS). The contact details for PALS are:

PALS

Great Western Hospitals NHS Foundation Trust

The Great Western Hospital

Marlborough Road

Swindon

Wiltshire

SN3 6BB

gwh.pals@nhs.net

01793 604031

If you are dissatisfied with the initial response, or if you prefer, you can write directly to the Chief Executive, at the above address.

Medvivo

Medvivo provide out of hours GP services within Swindon, this includes the 111 service, Moredon Medical Centre and Swindon Health Centre. The contact details for complaints are:

Medical Director

Medvivo Group Ltd

Fox Talbot House

Greenways Business Park

Chippenham SN15 1BN

info@medvivo.com

0800 644 4200

South Western Ambulance Service

Complaints which relate to services provided by South Western Ambulance Service can be sent to:

The Complaints Manager

South Western Ambulance Service NHS Trust

Abbey Court

Eagle Way

Exeter EX2 7HY

E-zec Medical

Complaints which relate to E-zec Medical, can be sent to:

E-zec Medical Transport

Terminal Building

Redhill Aerodrome

Kings Mill Lane

Redhill

Surrey

RH1 5YP

Tel: 01737 822782

Email: info@e-zec.co.uk

You should be aware that E-zec can only deal with complaints which relate to your journey i.e. lateness, non-attendance of transport or conduct of their staff. If your complaint relates to your eligibility to receive transport, then this complaint should be made to the CCG PALS complaints team, details of which are on page 5.

Avon and Wiltshire Mental Health Partnership Trust

For complaints about Mental Health Services including hospital and community services:

- By post addressed to the Chief Executive Officer or Complaints and PALS Manager, Avon & Wiltshire Mental Health partnership NHS Trust, Trust Headquarters, Bath NHS House, Newbridge Hill, Bath BA1 3QE
- By Email: awp.complaints@nhs.net
- By phone: The [PALS](#) and complaints team can take complaints verbally and they will write to you summarising your complaint and ask you to confirm its accuracy. Call on 01225 362900 or Freephone 0800 073 1778

NHS England

NHS England has responsibility for primary care in Swindon; GP practices, dental services, opticians and pharmacies. People with complaints or concerns about a GP practice, dental practice, optometry practice (optician) or pharmacy will need to contact either the individual practice or the NHS England Customer Contact Centre:

- Tel: 0300 311 22 33
- Email: england.contactus@nhs.net
- Post: NHS Commissioning Board, PO Box 16728, Redditch, B97 9PT
- www.england.nhs.uk

British Sign Language (BSL)

If you use BSL please follow the link on the NHS England website

Access to Medical Records

Information on how you can obtain copies of your medical records can be found on the NHS choices website www.nhs.uk If you type “How to access my medical records” in to the search bar, you will be directed to the appropriate page

Healthwatch Swindon cannot obtain these records on your behalf

THE FORMAL COMPLAINTS PROCEDURE

There are two stages to the NHS Complaints Procedure: local resolution and the Parliamentary and Health Services Ombudsman (PHSO).

Stage 1: Local Resolution is the opportunity for the health service in question to respond to the issues of your complaint. Complaints Managers sometimes prefer you to raise your complaint in a letter; however you can also call or e-mail them. The Complaints Manager should acknowledge your complaint within three working days. They will work with you to agree a plan for dealing with your complaint which will include what you would like to happen as a result of your complaint, who will be involved and the expected timescales.

Following investigation, a response to your complaint will usually be sent to you in writing. On receipt of this, if you remain unhappy you can go back to the Complaints Manager to discuss your outstanding concerns. At this point, a further response may be provided in writing or they may offer a meeting with the appropriate people where your remaining issues can be discussed and responded to face to face. If you reach a point however where you feel that your complaint cannot be resolved locally, and you remain dissatisfied with the outcome, you can escalate your complaint to Stage 2 and contact the PHSO.

Stage 2: The PHSO will assess whether or not it will investigate your complaint. If it does investigate, it will write a thorough report. The Ombudsman aims to complete most investigations within a year. If the Ombudsman does not accept to investigate your complaint, it may ask the NHS provider to take further action to meet one or more of your stated outcomes.

The contact details for the PHSO are:

Customer Services

Parliamentary and Health Service Ombudsman

Millbank Tower

Millbank

London SW1P 4QP

Customer Helpline 0345 015 4033

Website www.ombudsman.org.uk

WRITING A LETTER OF COMPLAINT

1. **Structure** your letter into three parts:
 - a. Background
 - b. Issues of complaint – number or bullet point each issue
 - c. Outcomes you are seeking - number or bullet point each issue. If possible relate the numbering to the issues of complaint, so that the Complaints Officer can see what you wish to achieve from each complaint you raise.
2. It is important where possible to include **dates** of any incidents you are complaining about and the **names** of anyone involved. This means that NHS Services can look back on files and be clear what you are referring to.
3. It is ok to explain the impact of the issue of complaint on your life and to describe how it has made you feel, however try to keep the main body of the letter as factual as possible, so that the issues can be investigated. To this end, be careful not to lose your main points in a long letter, use short sentences and try not to repeat yourself.
4. Say what you want to say and be firm and assertive but don't be rude or aggressive.
5. You can always ask someone who is less emotionally involved to read it over for you, if you feel this may help you improve to keep the letter clear.
6. If you are sending a written complaint keep a copy of your letter/emails.
7. To make sure your letter is received you may wish to send it by guaranteed or recorded delivery or you may wish use email.

LETTER TEMPLATE

Your address

Organisations address

Date

Dear (Complaints Manager/Practice Manager)

I am writing to complain about..... **(summarise your complaint issue very briefly)**

Background

Details about your personal circumstances (or the patient's if you are writing the letter on someone's behalf) which are relevant to the complaint.

Complaint Issues

1.
2.

List your complaint issues and include examples with dates and names wherever possible

Outcomes

I am seeking the following outcomes: **(what is it you would like to achieve through the complaint, for example an apology or an explanation. It is useful to relate this to the complaint issues).**

1.
2.

Yours sincerely

Your Name and signature

EXAMPLE LETTER

Mr A. Nonymous
12 Anywhere Street
Town
County
Postcode

X Hospital
X Road
X Town
X County
X Postcode

19 July 2013

Dear Complaints Manager,

I am writing to complain about my treatment by one of your doctors in the rheumatology department at X Hospital and his failure to diagnose that I had fractured my foot.

Background

I have arthritis in my right foot which has been causing me a great deal of pain over the last few years. I have been seen by several doctors within consultant Mr Y's team to help me manage my pain. I would like to express that these doctors have always treated me with care and respect. Recently the pain had been getting worse, I caught my foot awkwardly when walking which I thought may have exacerbated my arthritis. I therefore made an emergency appointment to see one of Mr Y's team. I attended my appointment and I was shocked and upset at how I was treated by the Dr Z therefore I am writing to officially complain.

Complaint Issues

1. Dr Z's attitude and behaviour during my appointment:

On 3 July 2013 I attended my appointment with Dr Z accompanied by my daughter Florence. I was in a lot of pain in my right foot, so my daughter came with me to support me. I sat down in Dr Z's room and immediately he started to make me feel uncomfortable. Dr Z said to me "what is all the fuss about now, it is people like you who take up the time of the NHS". I couldn't believe that he was saying this and so I did not say anything back. Dr Z then went on to examine my foot and was in a really bad mood, he was mumbling under his breath and I felt extremely uncomfortable. Dr Z then said to me "Mr Nonymous

you really need to get a grip and stop making emergency appointments when it is not necessary, you are absolutely fine". My daughter was getting upset and she asked Dr Z not to speak to me in that manner. I reiterated to Dr Z how much pain I was in and that I didn't want to waste time and I wouldn't have come to see him if it wasn't important. Dr Z said that I had wasted his time and I just needed to rest my foot and it would be fine.

2. Dr Z's failure to diagnose as I had actually fractured my right foot.

I took Dr Z's advice and rested my foot, however a week later I was still in a great deal of pain so on 10 July 2013 my daughter took me to the NHS walk-in clinic at Southmead Hospital. They found that I had fractured my right foot and were shocked this had not been picked up at my appointment with Dr Z.

Outcomes

I am seeking the following outcomes:

1. An apology from Dr Z regarding his attitude towards me and for him to be polite and respectful towards patients and not to speak to anyone else in this manner.
2. An explanation and apology from Dr Z regarding why he failed to diagnose my fracture.

Yours sincerely

Mr Nonymous