

WE CAN HELP YOU WITH MAKING YOUR HEALTH COMPLAINT



If you are a resident of West Sussex and need further help with your complaint please feel free to contact the Healthwatch West Sussex Independent Health Complaints Advocacy Service (IHCAS):

Call: 0300 012 0122 Email: ihcas@healthwatchwestsussex.co.uk

Website: www.healthwatchwestsussex.co.uk



healthwatch
West Sussex

Contents

Introduction	1
What is covered by the NHS Complaints Regulations?	1
Who can complain?.....	2
What can I get from my complaint?	2
Accessing health records	3
The NHS complaints process.....	3-5
NHS complaint time limits	5
Writing a complaint letter	6
Complaint letter template.....	7-8
Sample complaint letter	9-10
Where to send your complaint	11-12
Contact details	13

Introduction

If you have been treated poorly by health services, then **you have a right to make a complaint**. In England, this right comes from the NHS (England) Complaint Regulations 2009.

If you feel you need practical support and assistance in making a complaint, then you are entitled to an advocate to help you. This service is **free and independent** of the NHS.



For residents of West Sussex, the advocacy service is delivered by Healthwatch West Sussex and is known as the Independent Health Complaints Advocacy Service (IHCAS). Contact details for IHCAS can be found on the front and at the end of this leaflet.

Healthwatch West Sussex is the consumer champion for health and social care issues for the whole of West Sussex. We have created this guide you and other people in making a health service complaint.

What is covered by the complaints regulations?

The NHS Complaints procedure applies to all services provided or funded by the NHS including GP's, hospitals, pharmacies, opticians, the ambulance service and any NHS social care (including nursing home or home-based care) that you might receive.

You can also use the NHS complaints procedure if your complaint covers both health and social care and to complain about NHS funded care or a home-based care package which is funded by the NHS (usually through Continuing Healthcare).

You cannot use the NHS complaints system for raising concerns/issues about:

- Social care alone or other services provided by the council
- Privately funded health, nursing home or home-based care
- Personnel matters, such as getting staff disciplined
- Legal issues and claims for compensations
- Contractual matters and consultations about service charges



Who can complain?

You may complain about your own care and treatment or a service failure that has affected you.

You can also complain on behalf of:

- Someone who has died
- A child or young person
- Someone who cannot complain for themselves because of:
 - Physical incapacity
 - Lack of capacity within the meaning of the Mental Capacity Act 2005
 - Someone who has asked you to do so provided they give their written consent.

What can I get from my complaint?

When making a complaint, you may wish to think about what you want as an outcome and make this clear in your complaint letter. Complaint outcomes you can ask for are:

- An explanation for what happened
- An apology
- What improvements will be made to stop any poor care happening again
- Financial recompense for out of pocket expenses*

* If you think the service has been negligent in their treatment of you and as a result you are seeking damages then, firstly, you may wish to speak to a solicitor before making a complaint.

If you have home insurance, you may have legal cover for this.

NHS organisations have no obligation to pay damages as a result of a complaint and if you end up taking the complaint to the Parliamentary Health Service Ombudsman then any money they may award you may well be less than you get from a Court.



Accessing health records



Before making your complaint, you may wish to obtain a copy of your medical records. Patient records include:

- GP, hospital and other NHS staff records
- Details of visits, treatments, medication, tests and their results, diagnosis and referrals.

Under the General Data Protection regulations (GDPR) (from 25 May 2018) and the Data Protection Act 2018, mean that in most cases, you as the patient must be given **access to your medical records as a Subject Access Request (SAR) free of charge**. This includes when a patient authorises access by a third party such as a solicitor or IHCAS.

A medical report/record that already exists will be accessible, for free as a SAR. A 'reasonable fee' can be charged for SAR if the request is manifestly unfounded or excessive, however, these circumstances are likely to be rare.

The NHS Complaints Process

Informal resolution

Some issues, such as a concern about current care or treatment may be best resolved without making a formal complaint. You can do this by speaking to a member of staff, doctor or practice manager informally about your concerns. If your complaint involves a hospital, then their Patient Advice and Liaison Service (PALS) may be able to help you.

If you feel your problem has not been resolved, you can make a formal complaint.

Making a formal complaint - Local resolution Part 1

Your complaint can be made orally or in writing to the service provider, i.e. the GP, dentist, hospital etc. that you wish to complain about.

OR

If you feel uncomfortable complaining directly to the service provider you can send the complaint to the commissioner of the service, this may be NHS England for dentists and GP Surgeries, or your local Clinical Commissioning Group (CCG) for Hospital services.



If you are unsure who the commissioner of your service is, you can contact NHS England as follows:

By telephone: 0300 311 22 33

Email: england.contactus@nhs.net

Post: NHS England, PO Box 16738, Redditch, B97 9PT

All complaints must be acknowledged within three working days.

You should then be contacted to discuss your complaint and to arrange a plan for it to be resolved. It is best practice for the person dealing with your complaint to speak to you to ask you what you wish to get out of the complaint.

Sometimes a complaint can be independently investigated. If you think the matter is serious enough to warrant this, then you should discuss this with the organisation you are complaining to. If your request for an independent investigation is refused you may wish to contact the Healthwatch West Sussex Independent Health Complaints Advocacy Service for assistance.

There is no time limit for a response to your complaint, other than what an organisation sets in their Complaints Policy and Procedures. Although after six months you should be told why you have not received a reply and a response should be sent to you as soon as possible.

Local resolution - Part 2

If you are not satisfied with your complaint response, then you can ask for a meeting to discuss your outstanding concern(s). If you do not feel comfortable with a meeting you should respond in writing or orally with why you are not satisfied, and you should then receive a further written response.

There is no time limit for either a meeting to be set up or in receiving a further written response, other than what an organisation sets in their Complaints Policy and Procedures. If you feel you have waited an unreasonably long time for either, you can contact the Ombudsman as below.



If you have had a meeting or a further written response, as detailed in Part 2 of the local resolution process, and you are still not satisfied you can then take your complaint to the Parliamentary and Health Service Ombudsman (PHSO).

In exceptional circumstances the PHSO may look at a matter before you have completed the local resolution stage. It is difficult to give an example of such a circumstance, but it may include where a Trust respond to a complaint saying that not giving speech and language therapy to a child is fine. In this example pursuing the local complaints process may lead to permanent developmental problems. If you think this applies to your case, you may wish to talk to the PHSO before putting your complaint to them.

NHS Complaint Time Limits

If you want to be sure your complaint will be dealt with, then you need to be aware of the time limits that apply to all NHS complaints. The NHS Regulations 2009 state that a complaint must be made no later than **12-months** after:

- The date on which the event(s) of the complaint occurred
- When the individual became aware of the cause for complaint

However, if your complaint is made after the 12-month time limit, it may still be dealt with if:

- You have good reasons for not making a complaint within that time limit
- Despite the delay, it is possible for the complaint to be investigated fairly and effectively

The same time limits apply to the Parliamentary and Health Service Ombudsman (PHSO). The PHSO will expect you to exhaust the local resolution stage of the complaints process before you approach them.

The local resolution process is explained in a separate guide, that can be downloaded from our website.

It is therefore important that you try and exhaust the local stage of the complaints process within 12 months so that you can go to the PHSO within the legal time limits. The PHSO realises it can take a long time to exhaust the local process and does have the discretion to look at a complaint that has taken more than 12 months to get to them.

Writing a Letter of Complaint

Style

- Do not feel you are bothering someone or making a fuss when writing a formal letter of complaint.
- Lay out your concerns in a calm and polite manner, without using aggressive or accusatory language.
- Keep your complaint letter clear and concise.

Content

- Begin your letter by explaining the series of events that have led to your letter of complaint.
- Consider putting the key complaint(s) into bullet points, in order of importance.
- If the complaint is the result of an ongoing series of events, you can also add a timeline of events.
- After you have laid out your complaint, state the outcome(s) you would like to achieve as a result of your complaint i.e. an apology, service improvement, rescheduled appointment or financial compensation.

Documents

- Keep all original letters that you have sent and have received regarding your complaint.
- File them in date order.
- If you wish to include documents in your complaint, send **copies** of the documents, not the originals.

Note: if you are making a complaint on someone else's behalf, make it evident in the letter that you have the individual's permission to make a complaint.

You may wish to send your complaint letter by recorded delivery or via email.

Complaint Letter Template

[Insert your name and address here]

[Complaints Manager]
[Followed by name and address of organisation]
GP/Dental Surgery/Hospital Trust or commissioner of service such as NHS England

[Insert date here]

Dear Sir/Madam

RE: [NHS Complaint] [Name of complainant] [Postal address] [D.O.B] (if you are complaining on behalf of someone else put in their details).

Please treat this as a letter of complaint regarding my / the above patient's treatment from [Insert GP/Doctor/Trust etc].

OR

[Briefly explain why you are making the complaint on someone else's behalf i.e. you are their carer/relative, the person is too young, deceased, lack capacity to complain without assistance.]

BACKGROUND

Clearly explain the background of your complaint, when writing your background you should bear in mind the four W's:

What happened?

When?

Where?

Who was involved?

Make sure to include dates of when each incident occurred. If the complaint is complex, then you may wish to write a timeline of events on a separate page and attach it to the letter.

COMPLAINT

I would like the following points of complaint addressed: -

[Put your points of complaint in bullet points or numbers, ensure the points are clear and list the concerns in order of importance. Keep the points as brief as you think is reasonable]

WHAT I WOULD LIKE

In this section you will list what outcomes you would like as a result of this letter i.e.:

“As an outcome to my complaint, I would like the following...”

[This could be an apology, an explanation for what happened, what steps will be taken so it doesn't happen again, compensation*].

Yours faithfully

[Name of complainant]
[Insert contact number]

*See 'What can I get from my complaint' for information regarding compensation and complaints.

Sample Complaint Letter

Joe Bloggs
123 Alphabet Close
Crowley
RH12 7HY

Prince's General Hospital
Bighurst
Sandwich
BN4 4PF

1st October 2016

Dear Sir/Madam

Please treat this as a letter of complaint regarding my treatment from Dr Harvey Milk and my cancelled appointments at the Prince's General Hospital.

BACKGROUND

On 7th June 2016 I attended Green Fields Medical Centre for a regular appointment, as I have been experiencing persistent back pain after an injury at work that occurred on 10th October 2015.

I booked an appointment with my GP, Dr Smith, for 15th June 2016 and he prescribed me a course of strong painkillers, but this did not help. I went back to my GP and explained this to him and as a result I was referred to the pain clinic at Prince's General Hospital, as I was informed that I may be suffering from chronic back pain.

My appointment was scheduled with Dr Milk at the pain clinic on 10th August 2016 at 10am. I arrived at the clinic 30 minutes early for the appointment only to wait for three hours. A receptionist then approached me and said that my appointment was cancelled but gave no explanation as to why. I asked if they could reschedule another appointment but was simply told to go back to my GP.

My GP kindly rearranged another appointment for 3rd September 2016 at 2pm, which I attended but had to wait two hours to be seen by Dr Milk. When I was finally called in for the appointment Dr Milk barely examined my back, glanced at my medical records, informed me my condition was not serious and told me I did not need to be referred to a pain clinic and that my GP should prescribe me stronger painkillers. Even though I tried to explain to Dr Milk that I was already taking very strong painkillers he did not listen and just told me to go back to my GP.



COMPLAINT

I would like the following points addressed in response to this complaint:

- Why did Dr Milk dismiss my chronic back pain as just needing stronger painkillers when I explained to him that I was already prescribed very strong painkillers by my GP?
- If Dr Milk had a copy of my medical records, then was it appropriate for my back pain to be dismissed as not being serious?
- Why was I made to wait three hours for my first appointment at the pain clinic on 10th August 2016, only to be told that my appointment was cancelled with no further information given?

WHAT I WOULD LIKE

As a result of this complaint I would like an apology from Mr Milk and an explanation for my bad experiences. I would also like to have another appointment rescheduled at the pain clinic with a different consultant who will prescribe the appropriate treatment for my long-term back pain.

Yours faithfully

Mr Joe Bloggs
01632 960802



Where to send your Complaint?

If you are complaining about a dentist or pharmacy or GP Surgery, you can complain to the provider of the service or the commissioner of the service. The commissioner in these cases is:

NHS England
 PO Box 16738
 Redditch
 B97 9PT

england.contactus@nhs.net phone 0300 3112233

Below is a list of Hospital Trusts that provide health services in West Sussex and the contact details for making a complaint. If your complaint is about a hospital you can also complain to your local Clinical Commissioning Group (CCG) who commissions hospital services. The CCG contact details are found below this table.

NHS Trusts:	Address:	Telephone and email
Brighton and Sussex University Hospital NHS Trust For complaints about the Royal Sussex County Hospital, Princess Royal Hospital, Royal Alexandra Hospital for Children, Sussex Eye Hospital and Brighton General Hospital	Chief Executive Brighton and Sussex University Hospital NHS Trust Trust Headquarters St Mary's Hall Eastern Road Brighton BN2 5JJ	Telephone: 01444 448678 (Hayward's Heath site) 01273 664511 (Brighton site) Email: complaints@bsuh.nhs.uk
Sussex Community NHS Trust For complaints about community hospitals, Rehabilitation, Children's services and Bognor Regis War Memorial Hospital	Service Experience Team B Block Brighton General Hospital Elm Grove Brighton BN2 3EW	Telephone: 01273 242292 Email: sc-tr.PALS@nhs.net
Sussex Partnership NHS Foundation Trust For complaints about Substance Misuse, Learning Disabilities and Mental Health Services	Complaints Team Sussex Partnership NHS Foundation Trust Swandean, Arundel Road Worthing West Sussex BN13 3EP	Telephone: 0300 304 2198 Email: complaints@sussexpartnership.nhs.uk



NHS Trusts:	Address:	Telephone and email
Western Sussex Hospital NHS Foundation Trust For complaints regarding Worthing Hospital, St Richards and Southlands Hospital	The Chief Executive Western Sussex Hospitals NHS Foundation Trust Worthing Hospital Lyndhurst Road Worthing BN11 2DH	Telephone: 01903 285032 - Worthing 01243 831822 - St Richards Email: PALSWorthing@wsht.nhs.uk PALSchichester@wsht.nhs.uk
The Queen Victoria Hospital NHS Foundation Trust	The Chief Executive Queen Victoria Hospital Holtye Road East Grinstead West Sussex RH19 3DZ	Telephone: 01342 414355 Email: qvh.pals@nhs.net
Surrey and Sussex Healthcare NHS Trust For complaints about Crawley Hospital, Horsham Hospital and East Surrey Hospital	Complaints Team Surrey and Sussex Healthcare NHS Trust East Surrey Hospital Canada Avenue Redhill, Surrey RH1 5RH	Telephone: 01737 768511 extension 6825 during office hours Email: sash.complaints@nhs.net
South East Coast Ambulance Service NHS Trust	Patient Experience Team South East Coast Ambulance Service NHS Trust Nexus House 4 Gatwick Road Crawley West Sussex RH10 9BG	Telephone: 0300 1239 242 Email: complaints@secamb.nhs.uk

CLINICAL COMMISSIONING GROUP CONTACT DETAILS

If you live in Crawley, your local Clinical Commissioning Group is:

Comments and Complaints Team

[NHS Crawley CCG](#)

Lower Ground Floor

Crawley Hospital

West Green Drive

Crawley

RH11 7DH

scwcsu.palscomplaints@nhs.net or phone 0300 2008844

If you live in Horsham or Mid Sussex:

Comments and Complaints Team
[NHS Horsham and Mid Sussex CCG](#)
Lower Ground Floor
Crawley Hospital
West Green Drive
Crawley
RH11 7DH
scwcsu.palscomplaints@nhs.net or phone 0300 2008844

If you live in Adur, Bognor Regis, Chichester, Arun and Worthing:

[NHS Coastal West Sussex CCG](#)
Comments and Complaints Team
NHS Coastal West Sussex CCG
1 The Causeway
Goring-by-Sea
West Sussex
BN12 6BT
cwscg.complaints@nhs.net or phone 01903 708400

Contact Details

If you are a resident of West Sussex and need further help with your complaint, please feel free to contact the Healthwatch West Sussex Independent Health Complaints Advocacy Service (IHCAS):

Call: 0300 012 0122

Email: ihcas@healthwatchwestsussex.co.uk

Website: www.healthwatchwestsussex.co.uk

Further help, including downloadable letters can be found at
<http://www.healthwatchwestsussex.co.uk/complaints-support/forms-and-guidance/>