

# Independent Health Complaints Advocacy Service (IHCAS)

## FAQ's



### **What is IHCAS?**

Independent Health Complaints Advocacy Service (IHCAS) is a free and independent service. If you are unhappy with the care and treatment that you have received from the NHS we can help by providing information and support you need to pursue your complaint. We can also support you if you are complaining on behalf of someone else, with their permission.

### **Who can access the service?**

Any resident of West Sussex can access this free independent service.

### **Do I have a right to complain?**

Yes, you have a right to complain about a NHS service you have received or are receiving. [The NHS Constitution](#) sets out what you can expect from an NHS organisation when you make a complaint.

### **Can I complain on behalf of another patient?**

Yes, you can complain on behalf of a child, a relative or somebody else if you have their consent. In the case of a child under 18 the NHS must be satisfied that there are reasonable grounds for the complaint being made by a representative of the child and is in the best interest of the child.

### **Can I complain about the treatment somebody received even if they have passed away?**

Yes, you can make a complaint in the case of a person who has died, the complainant must be the personal representative of the deceased. Where appropriate the NHS may request evidence to substantiate the complainant's claim to have a right to the information.

### **My partner has dementia, do I still need permission to make a complaint?**

If a relative or friend does not have the capacity to make their own complaint, you can complain on their behalf without their consent. However, the NHS will need to confirm the patient's lack of capacity and you are complaining in the patient's best interest before accepting the complaint.

### **How can IHCAS support me?**

We can listen to your concerns, discuss your options, help you to make your complaint and support you through the complaint process. We can help you draft your letter of complaint and attend meetings with you.

### **Can I complain about something that has happened in the past?**

Yes, but it depends on how long ago it happened. You should make your complaint within 12 months of when the event (s) occurred or when you became aware of the cause for complaint. If your complaint is made after the 12-month limit, it may still be dealt with if you have good reasons for not making a complaint within the time limit and if the matter can still be fairly investigated.

### **I had an operation in a private hospital, can you still help me?**

It depends, if the NHS paid for your operation then we may well be able to assist you, however if you paid for your operation or used private medical insurance it is unlikely you will be able to complain to the NHS and you should contact the private hospital to follow their complaints procedure. If you are in doubt over who to complain to we can help.

## How can I take legal action against the NHS service I have received?

The IHCAS service cannot assist with any legal action you may be taking. If you want advice on making a claim for compensation please contact Action Against Medical Accidents ([AvMA](#)).

## What is a Local Resolution Meeting?

If you are not satisfied with your complaint response from the NHS organisation you can ask for a meeting to discuss your outstanding concern(s). Your IHCAS advocate can attend the meeting with you to provide support. (Please see our [Local Resolution Meeting Guide](#))

## How do I make a complaint about my GP or Dentist?

If you wish to make a complaint about your GP, Dentist, Pharmacist, Optician or an NHS contractor you will need to complain directly to the organisation by contacting the person responsible for dealing with complaints. In most GP and dental practices this will be the Practice Manager. Alternatively, you can complain directly to NHS England as the commissioner of these services.

## How do I complain to NHS England?

NHS England can be contacted in the following ways:

- **Post** - NHS England, PO Box 16738, Redditch, B97 9PT
- **Email** - [england.contactus@nhs.net](mailto:england.contactus@nhs.net)
- **Phone** - 0300 311 22 33 - open Monday to Friday 8am to 6pm except Wednesdays open from 9.30am to 6pm

All complaints via post or email please address to: For the attention of the complaints team

## If my complaint is about more than one NHS organisation, who do I complain to?

If you are looking to complain about more than one NHS organisation you can ask one of the organisations to co-ordinate a response with the other parties involved. Making these complaints can be confusing but we can support you in how you might want to proceed.

## What happens when my complaint is submitted?

You should receive an acknowledgment of your complaint within 3 working days and you should be offered a discussion as to how the complaint will be handled. You may be asked to complete a consent form to enable access to your medical records. The service you are complaining to should keep you up to date with when they hope to respond by.

## What happens if I am not happy with the reply to my complaint?

Once you have received your full response and if you are still not happy you can take your complaint to [Parliamentary and Health Service Ombudsman \(PHSO\)](#). They make final decisions on complaints that have not been resolved by the NHS in England. The service is free to access.

## Where can I get more information on Parliamentary and Health Service Ombudsman?

Helpline open 8.30am to 5.30pm Monday to Friday phone 0345 015 4033

Website: - [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

## How do I obtain my medical records?

You have a legal right to apply for access to your medical records, a request should be made directly with the NHS organisation that provided (or is providing) your treatment. This is known as a Subject Access Request (SAR). You normally should expect to wait for 40 days and a fee will need to be paid. This fee should only be £10 if you ask for this information by email. More information on accessing medical records can be found at [NHS Choices](#).

## How do I complain, if the NHS service was delivered outside of West Sussex?

We can support you to make a complaint if you are a resident of West Sussex, even if the care or treatment was provided out of this area.

More information is available on our website [Healthwatch West Sussex IHCAS](#) and our guide [We can help you with your NHS complaint](#)