

NHS Complaints

Rights within NHS Constitution:

- To complain, have this acknowledged within three (working) days, and fully investigated
- Know timescale of investigation
- Take complaint to independent Parliamentary and Health Service Ombudsman or Local Government Ombudsman if not satisfied
- To compensation if harmed by negligent treatment

Requirements for complaint:

- Complainant should generally be the patient. May be relative, carer, or other representative if patient has died (next of kin or have their authorisation), is a child (should be parent/guardian), is unable to complain themselves (physical or mental disability), or has asked someone to complain on their behalf.
- Complaints should usually be initiated within 12 months of the incident, or of them becoming aware of the issue.

Verbal complaints:

- A concern raised verbally that can be resolved by the end of the next working day should be logged locally, but need not enter the formal complaints pathway unless the patient specifically requests this.

Process for handling formal complaints:

- Individual staff involved generally provide statements
- Statements, notes, and other records used to write a response (usually senior member of staff within appropriate speciality)
- Complaints team combine responses from specialities (where necessary) and produce a full response – should be sent back to original authors to review and agree
- Chief executive (or deputy) is responsible for and will sign all complaint responses

Response to complaints:

- Must address all the issues raised
- May involve face to face meetings within the trust, or using an independent mediator.
- Received wisdom is that complainants frequently want an explanation of what happened and an acknowledgement of the fact they feel badly treated, and are less often interested in punitive measures. Even if the substance of the complaint is defensible, acknowledging the fact that their experience was not positive may help to defuse the situation.

Other points:

- Complaints process is distinct from staff disciplinary process, and from any legal claims, although all may be related.

- No formal timescale for response, although should be as early as possible. Preston policy is 25 days, unless considered particularly complex
- Support on both sides – staff involved should be kept informed of progress and supported, as well as the patient