



NHS England
Complaints Procedures

NHS England INFORMATION READER BOX

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NHS England Complaints Procedures

NHS England Policy and Corporate Procedures

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1 Introduction

The purpose of this document is to provide you with an understanding of the NHS England complaints procedure. It references the NHS England Complaints policy and in doing so, it meets the requirements of the Local Authority Social Services and National Health Service Complaints [England] Regulations (2009), the NHS Constitution and reflects both the recommendations from the Francis report (2013) and Clwyd Hart review (2013).

The procedure also describes how NHS England manages, responds to and learns from complaints made about its services and the way in which they are commissioned. It further includes a flow chart for ease of reference.

2 Background

NHS England is committed to high quality care for all as a core principal of our vision and purpose. This includes the provision for any user of the organisation, their family, carers, or members of the public, with the opportunity to seek advice, raise concerns or make a complaint, about any of the services it commissions, or policies and procedures it has developed and implemented.

We recognise that most medical care and treatment goes well, but sometimes things can go wrong. If this happens, it's important that you tell someone about it so they can look into the issue on your behalf and try to put things right.

You might also want to make positive comments or compliments about your care or a service. Comments like this are important because they tell the NHS what things are going well and contribute to a good experience for patients and users of NHS services.

3 Policy Statement

NHS England will treat complaints seriously and ensure that complaints, concerns and issues raised by patients, relatives and carers are properly investigated in an unbiased, non-judgmental, transparent, timely and appropriate manner. The outcome of any investigation, along with any resulting actions will be explained to the complainant by the investigating organisation.

The main aims of the procedure are:

- To provide easily accessible clear and easy to understand guidelines on how your complaint or concern will be managed.
- To offer assurance that there is a consistent approach to the management and investigation of complaints.
- To further assure that your complaint or concern will be sympathetically responded to, within appropriate timeframes and that 'lessons learnt' will be used by NHS England as a driver for change and improvement. Any actions implemented will be shared/made available

4 Scope

This policy applies to the handling of complaints or concerns relating to directly commissioned services or services provided by NHS England. This would include primary care (GPs, dentists, pharmacists and optometrists), health and justice and military health services, specialised services or a service directly commissioned by NHS England. For complaints about services other than those commissioned by NHS England, please refer to the complaints service of the provider concerned.

Complaints or concerns can be made by any person who is affected by, is likely to be affected by or is aware of, either through direct experience or observation, an action, omission or decision of NHS England.

5 Definition of a Complaint or Concern

A complaint or a concern is an expression of dissatisfaction about an act, omission or decision of NHS England, either verbal or written, and whether justified or not, which requires a response and/or redress.

6 How to make a Complaint

If you have concerns, the first step is usually to talk to the person concerned, or ask to see the person in charge. This might be your GP, dentist, hospital, pharmacist or optician. You can also write to them. They may aim to address your concern informally.

If you're still unhappy after talking informally about the problem, or if the complaint is something that can't be sorted out straight away, you can make a complaint under the NHS complaints procedure. You can do this directly to the provider of the services you are unhappy with, or with the organisation that plans and pays for these services, such as NHS England or your local Clinical Commissioning (CCG).

[NHS England](#) commissions (plans and pays for) most of the primary care services you receive like your GP practice, as well as dentists, pharmacists and optical services. CCGs are responsible for commissioning secondary care including, hospital treatments, emergency care and some community services, like district nursing. You can find details of your CCG by visiting www.nhs.uk.

7 Formal Complaint Handling Process for NHS England

You can contact us by phone, email or post to register your concern or complaint.

By telephone: 03003 11 22 33

By email: england.contactus@nhs.net

By post: NHS England, PO Box 16738, Redditch, B97 9PT

Upon receipt of a formal complaint, we will:

- Take full details.

- Obtain your consent to investigate (this can be verbal but in some cases, we will require written consent.)

Within 3 working days, we will:

- Formally acknowledge your complaint by phone, email or in writing.
- In doing so, we will outline the details of your complaint and your desired outcome where appropriate, offer you a named representative for future contact and advise you of timescales for a response.
- Offer you details of advocacy services should you require further assistance in making your complaint.
- Ask you for written consent if it is required in order to progress your complaint.

Within 40 working days we will aim to:

Provide you with a full and final, quality response to your complaint signed by the Chief Accountable Officer (Chief Executive) or delegated deputy (Area Team Director) which should include;

- an explanation of how the complaint has been considered,
- an apology,
- an explanation based on facts,
- whether the complaint has been upheld in full or in part,
- the conclusions reached in relation to the complaint including any remedial actions that the organisation considers to be appropriate,
- confirmation that the organisation is satisfied any action has been or will be actioned.

It should also provide you with next steps of the complaints procedure should you wish to take matters further.

For more complex enquiries or where we are unlikely to achieve our 40 day working day target, we will contact you at the earliest opportunity to agree an appropriate resolution date.

8 Timescales for Complaints

You should aim to register your concern or complaint as soon as possible after the event. Failing that, complaints can be made twelve months from the date on which the matter that is the subject of the complaint came to the notice of the complainant.

If there are good reasons for not having made the complaint within the above time frame and, **if it is still possible to investigate the complaint effectively and fairly**, NHS England may decide to still consider the complaint.

9 Help with making a Complaint

Making a complaint can be daunting, but help is available. Below are some of the services that can help you.

9.1 NHS Complaints Independent Advocacy Service

Since April 2013, individual local authorities have a statutory duty to commission independent advocacy services to provide support for people making, or thinking of making, a complaint about their NHS care or treatment. Arrangements will vary between local authority areas. Contact your local PALS, CCG complaints manager, or local authority for information about how this service is provided in your area.

10 Confidentiality

Complaints will be handled in the strictest confidence in accordance with the NHS England Confidentiality Policy, and will be kept separately from patient medical records. Care will be taken that information is only disclosed to those who have a demonstrable need to have access to it.

11 Investigation and organisational response

Where the complaint involves more than one NHS or social care body, NHS England will adhere to the duty to cooperate contained in the legislation. Where complaints involve more than one body, discussions will take place about the most appropriate body to take the lead in coordinating the complaint and communicating with you.

12 Referral to the Parliamentary and Health Service Ombudsman

If you remain dissatisfied with the handling of the complaint by NHS England, you can ask the Parliamentary and Health Service Ombudsman (PHSO) to review the case.

The PHSO may investigate a complaint where, for example:

- A complainant is not satisfied with the result of the investigation undertaken by NHS England.
- The complainant is not happy with the response from NHS England and does not feel that their concerns have been resolved.
- NHS England has decided not to investigate a complaint on the grounds that it was not made within the required time limit.

NHS England will provide information on how to contact the PHSO when issuing the formal written response.

When informed that a complainant has approached the PHSO, NHS England will cooperate fully with the PHSO and provide all information that has been requested in relation with the complaint investigation. The relevant director will be informed that a request for investigation has been made so that the staff involved can be informed.

NHS England can also refer a complaint to the Parliamentary Health Service Ombudsman for a final decision.

13 Distribution

You can access a copy of this document on the Internet and it can be made available in other formats upon request to the NHS England Customer Contact Centre.

14 Complaints Procedure

Informal complaint – fully logged and resolved within **24 working hours**

Formal complaint **logged** taking full details and obtaining verbal consent to proceed where appropriate

Acknowledgement

Carried out no later than **3 working days** of the formal complaint being logged, by phone, email or in writing. It will:

- outline the details of your complaint and your desired outcome, offer you a named representative for future contact and advise you of timescales for a response.
- where appropriate, advise you of your patient rights under the NHS Constitution.
- seek clarification of any issues or points as necessary
- offer you details of advocacy services should you require further assistance in making your complaint.
- ask you for written consent (if it is required) in order to progress your complaint.

Investigation

We will agree with you the timescales for responding depending on the nature of your complaint although it is typically **25 working days**

We will also endeavour to keep you updated of progress throughout the investigation and explain the reason for any delay

Final response issued within agreed timescales to include

- an explanation of how the complaint has been considered
- an apology
- an explanation based on facts
- whether the complaint in full or in part is upheld
- the conclusions reached in relation to the complaint including any remedial action that the organisation considers to be appropriate
- confirmation that the organisation is satisfied any action has been or will be actioned
- reviewed, approved and signed off by Chief Executive or Area Director.
- advise you of the right to take your complaint to the Parliamentary and Health Service Ombudsman (PHSO) if you are unhappy with your final response.

Where possible, we will respond to people about any lessons learnt.

15 Associated Documents

Data Protection Technical Guidance Note: Disclosures to Members of Parliament carrying out constituency casework. Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002. S.I.2002 No. 2905.

NHS England Complaints Policy April 2014

[NHS Constitution updated March 2013](#)

[NHS England Confidentiality Policy April 2013](#)

[NHS England Data Protection Policy April 2013](#)

NHS England Incident Management Policy (review in progress)

NHS England Whistleblowing policy May 2014

NHS England Risk management strategy and risk management policy (review in progress)

[Putting Patients First: The NHS England Business Plan for 2013/14 – 2015/16](#)

16 References

[A Review of the NHS Hospitals 'Putting Patients Back in the Picture' - Clwyd Hart, October 2013](#)

[Caldicott Report 1997](#)

[Equality Act 2010](#)

[Freedom of Information Act 2000](#)

[Human Rights Act 1998](#)

[Listening, Responding and Improving – A Guide to Better Customer Care \(2009\)](#)

[Principles of good administration. Parliamentary and Health Service Ombudsman \(2009\)](#)

[Principles of good complaints handling. Parliamentary and Health Service Ombudsman \(2008\)](#)

[Principles for remedy. Parliamentary and Health Service Ombudsman \(2007\)](#)

[Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry Executive Summary February 2013](#)

[Superannuation Act 1972](#)

[The Data Protection Act 1998](#)

[The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#)

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