



Patient Advice & Support Service

Use your rights
Know your responsibilities
Share your experience
Make a difference



Client Information Pack

Comments, Concerns & Feedback

Generally, these can be made directly to the manager of the staff concerned or the clinical lead. They should be able to offer you

- Apologies, information, and/or explanations and
- Assurances where any lessons have been learned.

You can also contact

- The relevant [Complaints & Feedback Team](#)
- **Care Opinion** (www.careopinion.org.uk)
 - Care Opinion is a safe online place where you can share your experience of health or care services and help make them better for everyone.
- **PASS** (www.pass-scotland.org.uk)
 - PASS Advisers can offer support, for example, if you are not quite sure what to say or who to approach or if you need support to write a letter.

NHS Complaints procedure



You **CAN** complain about...

- NHS Scotland treatment, staff and services
- NHS-Scotland funded services received in a private hospital
- NHS Scotland failure to follow appropriate process
- dissatisfaction with NHS policy
- an issue within the last 6 months
- an issue you found out about within the last 6 months, to a maximum of 12 months since it occurred.

You **CANNOT** complain about...

- private healthcare
- other services not provided by or funded by the NHS
- a routine first-time request for a service – for example, an appointment
- a request for a second opinion on care or treatment
- something that you have known about for over 6 months, or that happened over 12 months ago*
- an issue that has already been raised with the NHS, or with the Scottish Public Services Ombudsman (SPSO)
- a complaint arising from a suggested failure to comply with a request for information under the Freedom of Information Act
- any complaint already the subject of medical negligence or legal action
- any complaint where you have stated in writing that you intend to take legal action
- pursuing financial compensation
- disciplinary action against a member of staff, although this may happen separately through the appropriate professional body
- an issue that occurred in England, Wales or Northern Ireland

*The Health Board or Practice etc **may** consider your complaint if there are special circumstances, but they are not required to.

Who can raise concerns or make a complaint?

- the patient
- a carer, friend or relative of the patient, if they have the patient's agreement and their written consent
- the parent, guardian or main carer for the patient, if they are under 16 or are not mature enough or have the capacity to understand the complaints process
- the holder of a welfare power of attorney or guardianship order for the patient
- an advocate for the patient.

You can make a complaint on behalf of someone who has died, if

- you are a relative of this person or were in a relationship with them and have the necessary permissions.

How to complain

Who to complain to

- directly to a senior member of the staff involved or the lead clinician
- indirectly complain to the complaints manager
 - for GP practices, dental surgeries, pharmacists and opticians, the complaints manager is the practice or shop manager
 - for other organisations, there is a complaints manager for all local and national health boards – find their contact details [here](#)
(www.nhsinform.scot/care-support-and-rights/health-rights/feedback-and-complaints/making-a-complaint-about-your-nhs-care-or-treatment)
- social services complaints
 - find information [here](#)
(www.sssc.uk.com/the-scottish-social-services-council/make-a-complaint-about-the-sssc)
- elsewhere in UK
 - NHS England
 - get info [here](#) from NHS England
(www.england.nhs.uk/contact-us/feedback-and-complaints)
 - get help [here](#) from PALS (Patient Advice and Liaison Service)
Ask your GP surgery, hospital or phone NHS 111 for details of your nearest PALS
(www.nhs.uk/service-search/other-health-services/patient-advice-and-liaison-services-pals)
- NHS Northern Ireland
 - get info [here](#) from HSC Northern Ireland
(www.complaintsdepartment.co.uk/hsc-health-and-social-care-in-northern-ireland/)
 - get help [here](#) from Patient and Client Council (PCC NI)
Call 0800 917 0222 for more information
(pcc-ni.net/advocacy/)

- NHS Wales
 - get info [here](#) from NHS Wales
(www.gov.wales/nhs-wales-complaints-and-concerns-putting-things-right)
 - get help [here](#) from Llais Wales
Call 02920 235 558 for more information
(www.llaiswales.org/)

How to make your complaint

- in person
- by phone
- in writing, by post or email
- using a complaints feedback form

What to include in your complaint

- your name
- your contact details, including a phone number
- the name and location of the service you want to complain about, including the address
- when the issue happened
- what happened
- who was involved
- how this has affected you
- any relevant correspondence or documentation
- what you want the investigation to cover – be specific
- what outcomes you want from the complaint

[Complaint templates](#) – you might find these helpful, too. (www.pass-scotland.org.uk/resources/documents)

If you are complaining on behalf of someone else

You will also need to include

- the name of the patient
- their contact details
- their date of birth

- where correspondence should be sent
- permission from the patient or other relevant documentation

For prisoner complaints

You will also need to include

- the name of the prison and the patient's prison number

What will happen next

If you complain in person

- they may be able to sort it out on the spot

If they need to investigate

- your complaint will be properly investigated
- you will be kept updated about your complaint during the investigation
- a complaint should not affect your care or treatment in any way
- solutions will be offered to put the issue right
- feedback, comments, concerns and complaints will be used to improve services

How the NHS will respond

You will receive

- a full explanation of what happened and why it occurred
- a full explanation of the investigation
- an apology if something went wrong
- information on what was learned from your complaint and any resulting actions
- if you are not satisfied with their final response, information on how to proceed with your complaint to the Scottish Public Services Ombudsman (SPSO)

NHS complaints procedure

- you can make comments, give feedback, raise concerns and make complaints using the NHS complaints procedure
- NHS complaints staff have a duty to investigate the complaints that are made to them

- the NHS encourage you to complain in person, to a staff member involved in your care or a senior member of their team
- you can enter the complaints procedure at Stage 1 or Stage 2

Stage 1: NHS early resolution

How it works

- make the complaint
- you will receive an answer within five working days
- they may be able to resolve your issue straight away

Options

- if you are fully satisfied with the response, the complaint is closed
- if you are not fully satisfied with the response, you can make a Stage 2 complaint

Stage 2: NHS investigation

Use this where

- you are not satisfied with the investigation or result from your complaint at Stage 1
- you feel that what happened raises serious questions about standards of care or requires a detailed investigation

How it works

- make the complaint
- you will receive an acknowledgement of your complaint within 3 working days
- you will receive a response about their decision within 20 days, or an explanation of the delay and a revised timeframe
- if you don't receive a response within 20 days, follow this up with the person you made the complaint with
- you will be given the opportunity to ask for clarification on anything you are unsure about or that you feel isn't covered appropriately
- if you are not satisfied, you will receive a final response and information on how to take your complaint to the Scottish Public Services Ombudsman (SPSO)

Options

- if you are fully satisfied with the response, the complaint is closed
- if you are not fully satisfied with the response, you can submit your complaint to the SPSO

Stage 3: Scottish Public Services Ombudsman

Use this where

- you are not satisfied by the Stage 2 response

How it works

- make the complaint
- the SPSO will decide whether investigate further or not
- if they don't feel it is appropriate to investigate further, the case will be closed
- if they do take it on, it will be assigned to a complaints handler, who will make a full investigation
- the complaints handler will respond to you
- the case will be closed

Options

This is the final stage of the NHS complaints procedure, so the decision made by the SPSO is final.

Legal action

Legal action is needed if you want financial compensation for medical negligence.

If you take legal action whilst you are making a complaint through the NHS complaints process, the NHS will immediately stop the complaints process.

This doesn't stop you taking legal advice, or from taking legal action once you have got to the end of the NHS complaints process.

Legal action must be started within three years of the event you are complaining about.

- For children, this starts when they are sixteen
- There is no time limit for children without capacity

You should consult a specialist Clinical Negligence Solicitor if you want to take legal action.

Find Clinical Negligence Solicitors at:

- [AvMA](http://www.avma.org.uk) (Action against Medical Accidents): 0345 123 2352, www.avma.org.uk
- [The Law Society of Scotland](http://www.lawscot.org.uk): 01312267411, www.lawscot.org.uk