healthwatch Cheshire West

healthwatch Cheshire East

ICAS Self Help Information Pack

This ICAS Information Pack will give you information to help you to feel confident about making a complaint about the NHS for yourself.

Useful Information

Local Hospital Trusts Patient Advice or Complaints Teams

The Countess of Chester Hospital

Phone: 01244 366066 or
Freephone 0800 195 1241 (option 2)
Email: cochpals@nhs.net
Write: PALS Manager, PALS, Countess of Chester Hospital Foundation Trust, Liverpool Road, CHESTER, CH2 1UL

Leighton Hospital and Victoria Infirmary
(Also covers Elmhurst Intermediate Care Centre, Winsford and Central Cheshire Integrated Care Partnership)

Phone: 01270 612410
Email:
patientadviceandcomplaints@mcht.nhs.uk
Write: Patient Advice and Complaints Team, Leighton Hospital, Middlewich Road, CREWE CW1 4QJ

Macclesfield District General Hospital
(Also covers Congleton War Memorial Hospital and Knutsford District Hospital)

Phone: 01625 421000 or 01625 661449
Freephone: 0800 1613997
Textphone: 01625 663723
Email: ecn-tr.CustomerCareService@nhs.net
Write: The Chief Executive, East Cheshire NHS Trust, Macclesfield District General Hospital, Victoria Road, MACCLESFIELD, SK10 3BL

Cheshire and Wirral Partnership NHS
NHS Foundation Trust

If your complaint involves the Primary Mental Health Team you can contact the **Cheshire and Wirral Partnership Trust Complaints Team**
Telephone: 01244 393163 or 01244 393145

Email: CWP.complaints@nhs.net

NHS Cheshire and Merseyside Integrated Care Board

If your complaint involves an NHS GP practice, dentist, pharmacy or optician you can contact the ICB's Patient Experience team

Phone: 0800 132 996
Email: enquiries
@cheshireandmerseyside.nhs.uk
Write: NHS Cheshire and Merseyside No 1 Lakeside, 920 Centre Park,

healthwatch Cheshire

Phone: 0300 323 0006

Email info@healthwatchcheshire.org.uk

Write: Healthwatch Cheshire CIC, Sension House, Denton Drive, NORTHWICH, CW9 7LU

We hope that this Information pack will be useful to you and give you enough information to manage your complaint yourself. However, if you are confused by anything or don't feel confident to follow the complaints process, we are here to help you.

Please contact the Healthwatch Cheshire ICAS Advocate on 0300 323 0006 or e-mail them on info@icascheshire.org.uk

What is ICAS?

Healthwatch Cheshire CIC Independent Complaints Advocacy Service (ICAS) is a free and independent service that can help Cheshire residents make a complaint about care or treatment provided by the NHS. Our advocate will support you to understand whether you wish to pursue a complaint and provide you with the support you may need to make your complaint.

NHS Constitution Statement

The NHS works hard to treat everyone well and to high standards of care but occasionally health services are unsatisfactory. If you are unhappy with the service you or others have received from a hospital, doctor, dentist, local surgery or any other NHS service, you can raise your concerns about it. By raising your concerns, it can help put things right quickly and the NHS can learn from your experience.

PLEASE NOTE

ICAS can only support you if your complaint is about NHS funded services and you need to be a resident in Cheshire to use the Healthwatch Cheshire ICAS service.

How can ICAS help?

ICAS can help you lodge a formal complaint about NHS care or treatment.

ICAS is:

- Free – there is no charge for this service.
- Independent – we are not funded by the NHS.
- Confidential – the information you give us will not be shared with anyone else without your permission. *

*unless you or others may be at risk of harm.

Support from an ICAS Advocate

Your ICAS Advocate will listen to your experience and help you to decide if you would like to receive their support for you to make a formal complaint. Your Advocate will be able to give you information about the different ways you can make a complaint about NHS services.
Your Advocate can also help you think about what you would like to achieve from your complaint. Your advocate will not try to persuade you to take a particular course of action and will always respect your decisions

ICAS Advocates can:

- Explore the options available to you at every stage of the complaints procedure.
- Help you with writing letters.
- Explain what to expect at meetings and accompany you to meetings.
- Contact and speak to people within the health services on your behalf.
- Help you to think about whether you are happy with the responses you receive.

What can I do if I have a complaint?

Decide what you are unhappy about

It is important to be clear what it is you are unhappy about with your NHS care/health service. This can be any aspect of the NHS care and services that you have received. It can be helpful to write down what you want to complain about as simply and clearly as you can so that you can refer back to it later.

What do you want to achieve?

Think about what you want to achieve. Your issues are more likely to be dealt with smoothly if you can be specific and realistic and consider the outcome that you would be satisfied with.

Who do I raise a concern with?

Once you are clear on what you are unhappy about you need to decide the best course of action for you. There are different ways that you can raise a concern and it helps to think about what you feel comfortable with.

Speak directly to a member of staff

Many complaints are caused by misunderstandings or communication that can be put right once you explain the problem. If you feel able to, you can speak to a member of staff who is directly involved in your treatment, or their manager, about what you are unhappy about. This is often the quickest way to put things right and stop them getting worse. In the case of a hospital ward this could be the Ward Manager. For a GP the Practice Manager.

Speak to the Patient Advice/Patient Experience Team

If you feel uncomfortable directly contacting NHS staff in a hospital situation yourself or you have tried and it has not resolved your issues, then the Patient Advice/Patient Experience Team may be able to help you. They can provide information, advice and support to patients, families, and their carers and can help you get answers to your questions quickly. (See list at beginning of pack)

The NHS Complaints Procedure may be the best route to follow if:

- You have raised your concerns but they have not been resolved fully.
- What happened raises serious questions about standards of care.
- You wish to raise complex issues which require investigation.

The NHS Complaints Procedure

The NHS Complaints Procedure focuses on resolving your complaint locally and aims to respond to you efficiently, sensitively and promptly. All NHS services have complaints procedures and in most cases they will probably be best placed to deal with your complaint. Most NHS organisations will have details of how to contact them about complaints on their website.

When raising a concern with the NHS you can expect:

- To be treated with respect and courtesy
- To be offered support to help you raise your concerns
- A speedy solution to be offered where possible
- An explanation of what happened
- An apology if appropriate
- Changes to be made, so that the same thing will not happen again
- Better communication between NHS staff and patients

The Complaints Process

Local Resolution

The aim of Local Resolution is to try to sort out your problem directly with the NHS service. Local Resolution is your opportunity to explain what it is you are unhappy about and what you would like to happen. It gives you and the NHS service time to listen and discuss your concerns.

It may be helpful to keep a record of any telephone calls you make and letters you write or receive about your complaint; including any dates for appointments or meetings.

If you send a written complaint, always try to keep a copy of your letter to refer to later.

Are there time limits for making a complaint?

YES. You should make your complaint within twelve months of the incident happening or within twelve months of you realising that you have something to complain about.

How do I complain?

You can explain what happened to you:

- In person.
- On the telephone.
- By email or in a letter.

NHS organisations tend to prefer having complaints in writing but if you would rather telephone or go in person, the Complaints Manager should make a written record of your complaint. The issues you raise should be written down and a copy given to you.

For complaints about your GP, dentist, optician, pharmacist, health centre or other independent NHS contractor, you can complain directly to the NHS organisation by contacting the person in charge of complaints. In most GP or dental practices, this will be the Practice Manager.
If you do not feel comfortable in making a complaint directly to your NHS service, you can complain directly your local ICB.

If you are not clear where to send your complaint, ask for advice from Patient Advice or the Complaints Department in larger organisations such as hospitals.

If your complaint concerns more than one NHS organisation, you only need to send a letter to one of the organisations. They will contact the other organisations involved and jointly respond to your complaint.

PLEASE NOTE

It is important to raise everything that you are unhappy about, as new issues cannot be later introduced as part of the same complaint.

What will happen next?

You should receive an acknowledgment of your complaint either verbally or in writing within three working days of making your complaint.
Sometimes it may be possible to resolve your concerns immediately, but if this does not happen the services that you have complained to must offer to contact you to discuss your complaint and arrange a plan to resolve your concerns and agree with you a timescale for resolving the issues and how they will keep you informed of progress.

If you need support with any of these processes an ICAS Advocate will be able to help you.

The Complaints Process

Resolving your complaint

You may be offered a meeting to discuss your complaint and speak to staff directly about what has happened. Before the meeting, you should receive a letter about your complaint, responding to all the issues that you have raised. You can take a friend, relative and/or an Advocate with you to any meetings you may have.

It may be helpful to prepare a list of questions you want to ask at your meeting and bring this with you. Try to keep these questions clear and concise. It is also helpful to take any relevant paperwork to the meeting.

After the Investigation

Once the investigation is finished and any meetings have been held, you should receive a letter containing:

- A summary of your complaint.
- What the investigation found and any actions that are going to be taken as a result.
- What to do if you are still unhappy with the answers given.

Depending on the investigation, the letter may contain:

- An apology and what actions will be taken and when, as result of your complaint and who is responsible for making this happen.
- What steps have been taken to prevent the same thing happening to other people.

If you haven't received this letter within the timescale agreed, you may want to telephone or write to check when you can expect to receive it.

What if I'm not happy at the end of Local Resolution?

If you are still not satisfied with the reply ask yourself exactly what you are still unhappy about so you can decide what to do next. It may help to review:

- The letters.
- Any meetings.
- Whether parts of your complaint have yet to be answered.
- Whether you feel evidence you gave was not properly considered.
- Whether you have achieved the outcome you wanted.

What are my options?

- You could write another letter explaining what you think has not been covered.
- You could call the person handling your complaint and explain why you are still unhappy.
- You could request a meeting to discuss your outstanding concerns.

What would happen next?

Further investigation into your complaint may be carried out. Again, the NHS service should discuss this with you and agree a plan of action for doing so, including timescales. Alternatively, the NHS service you are complaining about may feel that everything has been done to answer your complaint, and if so, they should advise you of that in writing. This is the end of Local Resolution.

If you are dissatisfied with the outcome from Local Resolution your next step may be to take your complaint to the Ombudsman.

The Parliamentary Health Service Ombudsman (PHSO)

You have the right to take your complaint to the PHSO, if you are not satisfied with the way your complaint has been dealt with by the NHS. The Ombudsman is independent of the NHS and of government. The Ombudsman's services are confidential and free.

The Ombudsman can extend the 12 month time limit, for example, if the Local Resolution process took longer than a year.

You should submit a complaint no later than one year from the date of the events you are complaining about (or from when you first became aware of the matter).

The Ombudsman will look at every complaint that comes to them but they do not (and are not required to) investigate all the complaints that are referred to them. It is a matter for the Ombudsman's discretion. They will not investigate your case unless you have already tried to resolve the problem using Local Resolution.

The Ombudsman can refer you back to the Local Resolution stage of the NHS Complaints Procedure if they think you have come to the Ombudsman too soon, or if they feel that the NHS services involved has not done all it can to resolve your issues locally.

The Ombudsman will not usually investigate a complaint where:

- You do not agree with a decision made by your NHS provider but cannot offer any evidence as to why their decision is wrong or unsatisfactory.
- They decide that there is no evidence to suggest that the NHS provider acted wrongly.
- They decide that the NHS or practitioner has done all that they reasonably could do to put things right.
- They decide that there would not be a worthwhile outcome from an investigation

Initially, a member of the Ombudsman's staff will consider whether your case meets the Ombudsman's criteria for investigation. To carry out this assessment they may need to see clinical records and other papers involved in your complaint. A member of the Ombudsman's staff will contact you to ask for any papers they need and they will write to you to let you know the outcome of the assessment.

If you take your complaint to the Ombudsman, there are three main outcomes:

1. The Ombudsman may decide not to investigate the case and take no further action.
2. The Ombudsman may decide not to investigate the case but may ask the NHS provider or practitioner to take action which they think would resolve your complaint more quickly without the need for an Ombudsman investigation. This is called an 'intervention'.
3. The Ombudsman may decide to carry out an in-depth investigation resulting in a detailed report about the case. The investigation may be very thorough and can therefore take some time. The Ombudsman aims to complete 90% of investigations within 12 months of accepting the case for investigation.

If your complaint is investigated by the Ombudsman

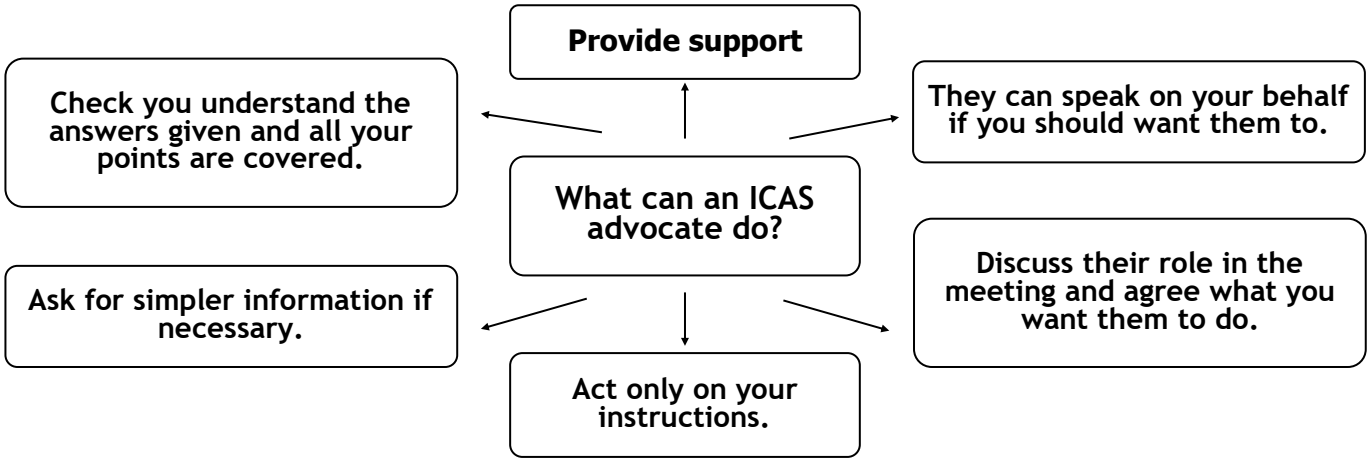
If the Ombudsman carries out an investigation of your complaint they will write a detailed report about the case. If the Ombudsman upholds your complaint they can make recommendations to the NHS provider or practitioner to put things right.

The Ombudsman's decision

The Ombudsman's decision about your complaint is final. This includes their decision whether or not to investigate your complaint and their decision whether or not to uphold your complaint following an investigation.

What to expect from a Local Resolution Meeting

A Local Resolution Meeting (LRM) is often offered as part of the complaint process, to provide an opportunity to answer any questions or provide further discussions or explanations face to face. Some clients can find these a daunting prospect, so the points below are intended to provide you with a short guide for what to expect from your meeting, which can be discussed further with your advocate.



Meetings can be distressing, so should you get upset or get frustrated, the advocate will ask for a break.

Should I prepare an Agenda?

Most complaints teams will ask for an agenda or a list of points which you would like to discuss. This can seem like an enormous task, especially if your complaint is very complicated, or involves multiple clinicians or departments. However, there are some benefits to drafting an agenda:

- The complaints team can make sure the right people attend the meeting.
- Detailed answers or explanations can be given, and medical records referred to as there has been time to prepare.
- An agenda can be used to keep the meeting focused.

Your advocate can help you to draft an agenda for any meetings which might be arranged.

- You may find it helpful to meet with them in the weeks before this to go through your file and the letters you have sent and received.
- You can use this time to look at the answers or explanations you already have, and identify the issues that you remain unhappy with.
- If you feel unable to produce a list of specific points or questions, you could simply list any topics you wish to discuss or themes, as well as any specific incidents, or episodes of care.
- This would also be helpful to the NHS service provider, so they have some idea of your outstanding issues.

Consider though that without an agenda or some idea of the issues you wish to discuss, any detailed questions or points may not be answered in the time available. Quite some time may have passed since the care or treatment was provided, and as memories fade clinicians may need to consult the medical records.

What to expect from a Local Resolution Meeting

What can I expect from the NHS body?

In most Local Resolution Meetings, a member of the complaints department will attend. Their role will differ depending on the NHS bodies process, and you or your advocate should check what they will be doing when the meeting starts.

They may:

- Take verbatim minutes – although this is very rare, and it can take time for these to be typed into a transcript.
- Take a summary of the complaint – this is more common and simply provides brief details of what was discussed and any action points agreed on.
- The meeting may be recorded – in this instance you might be provided with a copy of this.
- Someone from the NHS body should chair the meeting and ensure that it runs smoothly.

Points to remember:

- An advocate will **not** take any notes or minutes, their role is simply to act as a support for you.
- Give the individuals time to answer.
- Try not to recap the information you sent in your initial complaint letter.
- Elect a spokes person in your family who will raise your issues.

Contact us

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