

# How to Complain to the NHS

A pocket guide for ALK Positive Patients and their families.

September 2023

This guidance applies to making a complaint to the NHS in England. Similar arrangements will apply in Scotland, Wales and Northern Ireland.



**This guidance contains information drawn from documents published by several organisations, including -**

NHS England [www.england.nhs.uk](http://www.england.nhs.uk)

Voiceability [www.voiceability.org](http://www.voiceability.org)

Which Consumer Association  
[www.which.co.uk](http://www.which.co.uk)

Parliamentary and Health Service  
Ombudsman [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

Patients considering making a complaint may wish to visit these sites to obtain further guidance.

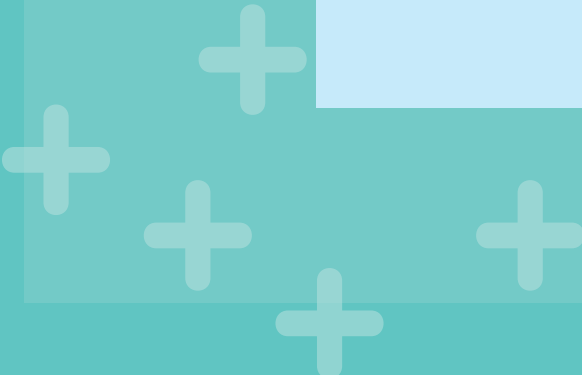
**The guidance ends with a section about how ALK Positive UK may be able to assist.**

For patients outside England

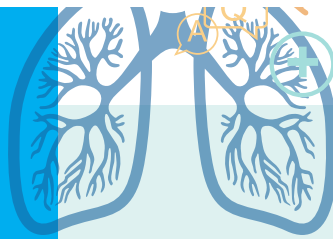
NHS Scotland - [www.nhsinform.scot](http://www.nhsinform.scot)

NHS Wales - [www.nhs.wales](http://www.nhs.wales)

DOH Northern Ireland - [www.health-ni.gov.uk](http://www.health-ni.gov.uk)



# Patient Advice and Liaison Service



**Every patient has the right to make a complaint about any aspect of NHS care, treatment or service and this is written into the NHS constitution.**

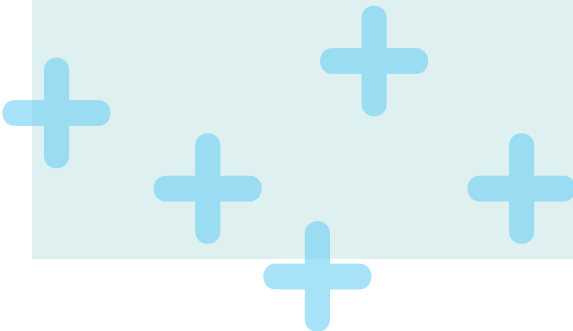
**If you are unhappy with an NHS service, it's often worthwhile discussing your concerns early with the provider of the service as they may be able to sort the issue out quickly.**

Some people find it helpful to talk to someone who understands the complaints process first and get some guidance and support.

The Patient Advice and Liaison Service (PALS) is a free, confidential and independent service that you'll find in most hospitals.

You can speak with a PALS member, who'll try to help you resolve issues informally with the hospital before you need to make a complaint.

PALS can be particularly helpful if your issue is urgent and you need action immediately, such as a problem with the treatment or care you receive while in hospital.



# Advocacy

## **Anyone who wants to complain about the NHS has the right to support from an advocate who can help you to**

- work out what you want to complain about and the outcome you're looking for
- write your own complaint letter and send it to the right people
- understand the response you get and what to do next

An advocate will support you to do as much as you can for yourself. They cannot make a complaint on your behalf or give you legal or medical advice. Advocates can sometimes attend complaints resolution meetings with you, if you find it difficult to say what you want.

You can get advice from an NHS advocate at any stage of the process. If you decide you need some support, it's never too late to ask for help.

VoiceAbility is a charity that provides NHS Complaints advocacy in some parts of England but not all.

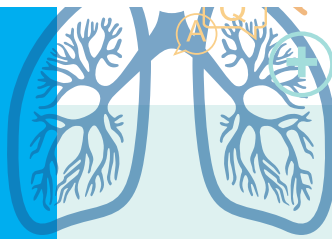
If VoiceAbility doesn't provide advocacy where you live, someone else may and you can find out who by searching for 'NHS Complaints advocacy + your location' online.

Other charities that may be able to assist include

- POHWER [www.pohwer.net](http://www.pohwer.net) 0300 456 2370
- The Advocacy People [www.theadvocacypeople.org.uk](http://www.theadvocacypeople.org.uk)  
0330 440 9000

Your local Healthwatch [www.healthwatch.co.uk](http://www.healthwatch.co.uk) can also signpost you to organisations that can help with your complaint.

# Accessing Your Medical Records



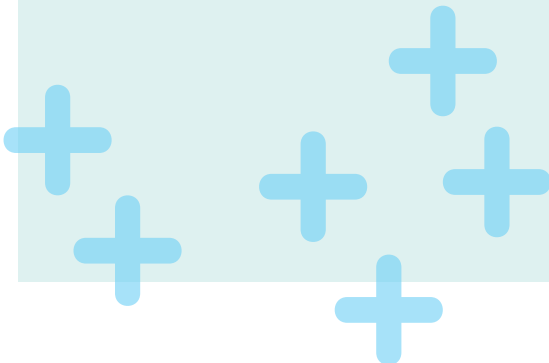
**Under the Data Protection Act 1998, you have the right to see your records, unless your doctor thinks that accessing some or all your records would cause harm to you or someone else.**

You must apply to see your records and some Trusts and GP Practices will have a form that you can use for this.

The Trust or GP

- should give you your records within 40 days of applying to see them, or 21 days if they have been added to within the last 40 days
- are allowed to charge you up to £10 for seeing your record, if they have not been added to within the last 40 days
- must explain anything in the records that is not easy to read or understand
- can charge you the cost of postage and photocopying, up to a maximum of £50

The Department of Health's guidance on access to medical records is at [www.nhs.uk/chq/Documents/Guidance%20for%20Access%20to%20Health%20Records%20Requests.pdf](http://www.nhs.uk/chq/Documents/Guidance%20for%20Access%20to%20Health%20Records%20Requests.pdf)



# Where to make your complaint

**Most NHS organisations and other providers will have a website which includes information about making a complaint. You can also contact NHS England to find out who to contact by**

- telephoning 0300 311 22 33
- post to PO Box 16738, Redditch, B97 9PT
- email [England.contactus@nhs.net](mailto:England.contactus@nhs.net)

If you are complaining about a **hospital** or a community NHS service, write to one of the following

- The Chief Executive of the NHS Trust
- The commissioner of the service
- The manager of the service

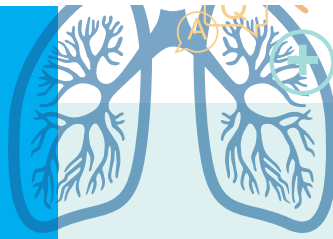
If you are complaining about a **primary care service** or independent provider, including GP, dentist, optician, pharmacist and health centre, contact one of

- the manager of the service
- NHS England

If you are complaining about the **ambulance service**, contact your local NHS Trust who will usually have a separate complaint address for their ambulance service.

If you are complaining about a Public Health Service, such as Health Visitors, contact your local authority.

# Complain to the Ombudsman



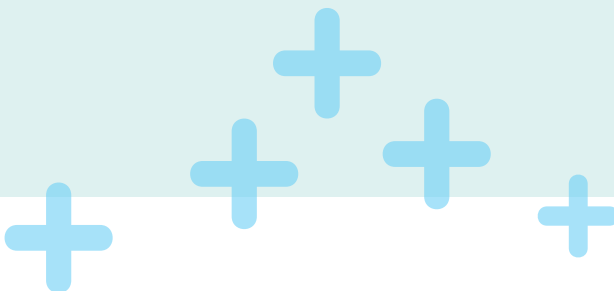
**If you are unhappy with your final response from your NHS or other provider, you can complain to the Health Service Ombudsman.**

The Ombudsman is independent of the NHS and is free to use. The service can help resolve complaints and tell the NHS how to put things right if it has got them wrong. It only has legal power to investigate certain complaints and you must have received a final response from your NHS or other provider. Generally, the Ombudsman will only look into a complaint if the event happened less than 12 months ago, unless there are exceptional circumstances.

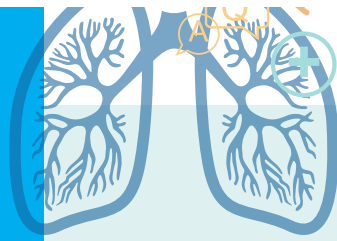
The Ombudsman will only investigate the more serious complaints, excluding

- delays with complaint responses
- matters which are likely to resolve themselves within the next few weeks or months.
- delays in service delivery which are non-critical and are the result of an organisation coping with COVID-19.

The Ombudsman website is - [www.ombudsman.org.uk/making-complaint](http://www.ombudsman.org.uk/making-complaint) where there is an email facility, and you can access their complaints form. The telephone number is 0345 015 4033. They do not offer an address for written complaints.



# How ALK Positive UK can help



**We are all entitled to a high level of care. After all, it's our lives that are at risk. But there may be times when the treatment that we receive falls well below the recognised standard of care.**

The Charity believes that poor treatment should not go unchallenged. It is by exposing such treatments that deficiencies can be remedied and standards raised.

In the preceding paragraphs, we have summarised how patients can make complaints, the service offered by PALS and the use of advocacy services.

Whether or not a patient chooses to use PALS or an advocacy service, ALK Positive UK, with its knowledge and understanding of ALK-positive lung cancer may be able to add value to your complaint.

The Charity cannot act as a patient's representative, but we may be able to assist them in formulating their complaint. Also, if you have to attend a meeting or tribunal and would like someone to accompany you, we can arrange that.

The Charity does not give medical advice. If a patient is concerned about their treatment, they may wish to consider seeking a second opinion and the Charity can assist with this.

Please don't hesitate to contact us if you feel that you would like us to help you in pursuing a complaint about your care. Please [email hello@alkpositive.org.uk](mailto:hello@alkpositive.org.uk) or [call 07783 134437](tel:07783134437).

ALK Positive Lung Cancer (UK)  
Old Carw Farmhouse, Carrow Hill, St Brides  
Netherwent, Caldicot, Monmouthshire, NP26 3AU  
[hello@alkpositive.org.uk](mailto:hello@alkpositive.org.uk) 07783 134437

[www.alkpositive.org.uk](http://www.alkpositive.org.uk)

CEO: Duncan Edmonstone 07919 690601  
Chair: Debra Montague 07975 623515  
Finance: Shaun Hill 07790 350632  
Admin: Graham Lavender 07941 358491

ALK Positive Lung Cancer (UK) is a registered charity in England and Wales, registration number 1181171