



Your health, your rights

Feedback and complaints: how to have a say about your care and have any concerns and complaints dealt with

Why has this factsheet been produced?

- This factsheet is for anyone who uses the NHS in any part of Scotland.
- The 2012 Charter of Patient Rights and Responsibilities gives a summary of what you can expect when you use the NHS in Scotland, together with your rights and responsibilities. The Feedback and complaints section of the Charter tells you about your right to have a say about your care and have any concerns and complaints dealt with. This factsheet explains what this means for you.

Giving feedback about the NHS

- **The NHS wants to hear about anything that is important to you.**
For example:
 - If you're in hospital or have been recently, you may want to share your views on what you think about the care and treatment you received, or about the food on the ward.
 - You may want to share your thoughts about something that has been done well.
 - You may be concerned that you don't have enough information about the care and treatment offered or about visiting hours, car parking or opening times.

How can I give my feedback?

- You can give your feedback by:
 - talking to a member of staff involved in your care
 - filling in a patient survey or questionnaire
 - phoning the NHS inform Helpline on 0800 22 44 88
 - telling the Patient Advice & Support Service (PASS) (see page 7 for details)
 - putting your comments in a suggestion box
 - contacting your NHS Board (see page 4 for how to do this)
 - use the feedback forms on NHS Board websites.

What happens to my feedback?

The NHS will use your feedback to improve the services it provides.

‘You have the right to give feedback, make comments, or raise concerns or complaints about the health care you receive.’

The Charter of Patient Rights and Responsibilities 2012

Making a complaint about the NHS

Who can complain?

- You can complain if you have:
 - had or are having NHS care or treatment
 - visited or used NHS services or facilities, or
 - been affected or are likely to be affected by something that staff have or haven't done.
- The NHS does not want to restrict those who may make a complaint and you can complain for someone else if you:
 - have their agreement to complain – the patient would also need to agree that staff could look at their health records if necessary
 - are a child's parent, guardian or main carer and your child is not mature enough to understand how to make a complaint
 - have a welfare power of attorney or a welfare guardianship order for someone who cannot make decisions for themselves, and the order permits you to make a complaint about health care
 - are a relative of, or had a relationship with, a patient who has died and you are concerned about how they were treated before they died, or
 - are acting as an advocate for the patient (see page 6 for more about advocacy).

(If no consent has been given or the complaint has been raised for example on behalf of a child or on behalf of someone who lacks capacity to complain this will be taken into account and will affect the way the complaint is handled.)

What can I complain about?

- Things you can complain about include:
 - care or treatment you have had or are having in the NHS
 - anything to do with the place where you are seen, for example a GP practice, a hospital, a dental practice, an optician, a pharmacy, a prison health centre or an ambulance

- any member of NHS staff involved in your care
- how NHS services in your local area are organised if this has affected your care or treatment.

If your complaint also involves another part of the NHS or another organisation, such as social services, staff may need to pass it to someone there. They will tell you who is dealing with your complaint.

Complaints and issues which are dealt with under different procedures

- There are some things you may wish to complain about which are not handled through the NHS complaints procedure, this includes:
 - private health care or treatment
 - services not provided or funded by the NHS, and
 - anything you are taking legal action about.

Staff receiving such a complaint will refer the matter to the appropriate person and inform you of this and the procedure to be followed.

How long do I have to make a complaint?

- The NHS has a time limit for complaints. Normally, you must make your complaint:
 - within six months of the event you want to complain about, or
 - within six months of finding out that you have a reason to complain – but no longer than 12 months after the event.

However, if you feel the time limit should not apply to your complaint, please speak to the person dealing with the complaint. A complaint can sometimes be accepted after the time limit.

You can complain to the Scottish Public Services Ombudsman about an NHS decision not to accept your complaint (see page 6 for more information).

‘You have the right to be told the outcome of any investigation into your concerns or complaints.’

The Charter of Patient Rights and Responsibilities 2012

How to complain

What should I do?

- If you can, first talk to a member of staff involved in your care. If you do this they can try to sort out your complaint on the spot.

- If you are unable to talk to the NHS staff involved in your care, you can ask to speak to a senior member of staff or the Feedback and Complaints Officer for the NHS organisation involved.
- You can complain in person, by phone, or in writing. When complaining, you should give:
- your full name and address (and the patient's name and address if you are complaining for them), and
- as much helpful information as possible about what happened, where it happened and when.
- You can also make your complaint by fax, email or textphone (if available).

Who should I complain to?

- You should first complain directly to the person or organisation providing the service.
- If you don't want to complain directly to health professionals involved in your care, contact your local NHS Board and ask to speak to someone about giving feedback or making complaints. You can find the contact details for your local NHS Board in the phone book under 'health services', phone the NHS inform Helpline on 0800 22 44 88 or visit the NHS inform website (www.nhsinform.co.uk).
- If your complaint is about NHS 24 or the Golden Jubilee National Hospital, you should first speak to the person who was dealing with you. If you do not feel able to do this, speak to the feedback and complaints officer at the organisation. The contact details are on page 8.
- If your complaint is about the Scottish Ambulance Service, you should complain to their headquarters. The contact details are on page 8.
- If your complaint is about the State Hospital, you should complain to the feedback and complaints officer there. The contact details are on page 8.

What happens after I have complained?

- Staff will try to sort out your complaint on the spot.
- If staff are unable to do this, they will write to you within three working days of getting your complaint.
- This letter should:
 - tell you what action the NHS will take to look into your complaint
 - offer you the chance to talk to a member of staff about the complaint

- give you information about advice and support available through the Patient Advice & Support Service (see page 6 for more information), and
- give you information about mediation services if this may be helpful (see page 6 for more information).
- Staff handling your complaint will keep information about you confidential. To investigate your complaint, it may be necessary to talk to other NHS staff about you or show them your health records. If you don't want staff to share information from your health records, you should tell them when you make your complaint, but bear in mind this may make it more difficult to look into your complaint.
- The NHS will make a record of your details and complaint, and use it to help make services better.

When will I get a full response?

- Staff will write to you with a full response within 20 working days of receiving your complaint.
- In some cases, more time may be needed to give you a full response and it might not be possible to keep to these timescales. If this happens, staff will let you know and tell you why.
- The response will let you know the result of the investigation and should:
 - show that staff have looked into your complaint and reply to all the points you make
 - offer you an apology if things have gone wrong
 - explain what action has been taken or will be taken to stop what you complained about happening again
 - if necessary, explain why the NHS cannot do anything more about some parts of your complaint
 - offer you the chance to talk to a member of staff if there is anything in the letter you don't understand, and
 - include information about the Scottish Public Services Ombudsman in case you are unhappy with the response given or the way your complaint has been handled and you want to take things further (see page 6 for more information).

‘You have the right to independent advice and support to provide feedback, make comments, raise concerns or make a complaint.’

The Charter of Patient Rights and Responsibilities 2012

Who can help me with my complaint?

There are other people that can help you with advice:

Independent advice and support

- If you would like to speak to someone for advice or help with making a complaint, please ask a member of staff for details about the independent Patient Advice & Support Service, which is available in your area through local citizens advice bureau. See page 7 for contact details.

Advocacy

- If you want someone to help you express your views, you can ask for an advocate. An advocate is independent of the NHS and can help make sure your views are heard and get you access to the information you need to make your own decisions. Your local NHS Board or the Feedback and Complaints Officer will be able to tell you about advocacy services in your area.

Mediation

- In some cases it may be appropriate for your complaint to be resolved through the provision of alternative dispute resolution services (mediation). This is a service where independent mediators help the relevant parties to reach an agreement. You can request or Health Boards may offer to provide this service although both parties must agree to take part in the mediation. The Feedback and Complaints Officer at your local Health Board can provide further information about mediation.

What if I change my mind after I've complained?

- You can change your mind about making a complaint at any time. Please let the person handling your complaint know as soon as possible. It would be helpful if you could write to let them know, but a phone call will do.

What if I'm not happy about the way the NHS has handled my complaint?

The Scottish Public Services Ombudsman (SPSO)

- If the NHS has fully investigated your complaint and you are still not happy, you can ask the SPSO to consider it further.

- The SPSO cannot normally look at complaints more than 12 months after you became aware of the matter you want to complain about. Sometimes this time limit will not apply. Please contact the SPSO for more information.
- The SPSO cannot look at matters that have been or are being considered in court.
- If you are not happy with the way the NHS is dealing with your complaint, for example if you think it is taking too long, you can contact the SPSO.
- The Ombudsman does not take up all cases and will decide whether or not to investigate your complaint further. See page 9 for how to contact the Ombudsman.

‘You have the right to take your complaint to the Scottish Public Services Ombudsman (SPSO) if the NHS has fully investigated your complaint and you are not satisfied with the response.’

The Charter of Patient Rights and Responsibilities 2012

How can I find out more?

- You can find out more about anything in this factsheet, or get The Charter of Patient Rights and Responsibilities, the Your health, your rights factsheets or other leaflets and factsheets listed below from:
 - GP surgeries, hospitals and other places where you receive NHS services
 - www.hris.org.uk (alternative formats are also available here) or at www.nhsinform.co.uk
- the NHS inform Helpline on **0800 22 44 88** (lines are open every day from 8am to 10pm)
- the **Patient Advice & Support Service (PASS)** at your local citizens advice bureau (find your nearest bureau on the internet at www.cas.org.uk or in your local phone book). PASS is independent and provides free, confidential information, advice and support to anyone who uses the NHS in Scotland.

Scottish Ambulance Service

- To complain about the **ambulance service**, contact:
Feedback and Complaints Officer
Scottish Ambulance Service
National Headquarters
Gyle Square
1 South Gyle Crescent
Edinburgh EH12 9EB
Phone **0131 314 0000**

NHS 24

- To complain about **NHS 24**, contact:
Feedback and Complaints Officer
Patient Customer Relations Department
NHS 24
Caledonia House, Fifty Pitches Road, Cardonald Park
Glasgow G51 4ED
Phone **0141 337 4501**

Golden Jubilee National Hospital

- To complain about the **Golden Jubilee National Hospital**, contact:
Feedback and Complaints Officer (Risk Manager)
NHS National Waiting Times Centre Board
Golden Jubilee National Hospital, Agamemnon Street
Clydebank G81 4DY
Phone **0141 951 5177**

State Hospital

- To complain about the **State Hospital**, contact:
Feedback and Complaints Officer
The State Hospital
Carstairs, Lanark ML11 8RP
Phone **01555 842 200**

If the NHS has fully investigated your complaint and you are still not happy, you can contact the Scottish Public Services Ombudsman (SPSO):

Freepost EH641
Edinburgh EH3 0BR
Phone **0800 377 7330**
Email ask@spsso.org.uk
Website www.spsso.org.uk

Information about health rights

- **The Charter of Patient Rights and Responsibilities** gives a summary of what you can expect when you use the NHS in Scotland, together with your rights and responsibilities.
- The series of **Your health, your rights** factsheets tell you more about what these rights mean for you:
 - **Access:** your rights when accessing NHS services in Scotland.
 - **Communication and participation:** the right to be informed, and involved in decisions, about health care and services.
 - **Confidentiality:** the right for your personal health information to be kept secure and confidential.
 - **Respect:** the right to be treated with dignity and respect.
 - **Safety:** the right to safe and effective care.
 - **Hospital waiting times:** how quickly you should receive hospital care.

For more about health rights see:

- **Consent – it’s your decision** explains how you should be involved in decisions about your health care and treatment.
- **How to see your health records** explains your right to see or have a copy of your health record.
- **Health care for overseas visitors** is a set of factsheets explaining what NHS services overseas visitors can expect to receive while they are in Scotland.

Information for young people

- **Consent – your rights** explains how you should be involved in decisions about your health care and treatment.
- **Confidentiality – your rights** tells you how the health service keeps information about you private.
- **Have your say! Your right to be heard** tells you how to give feedback or make a complaint about the NHS.

Information for carers

- **Caring and consent** explains your right to be involved in decisions about the health care of the adult you care for.

Information about health services

- **Getting NHS dental treatment in Scotland** tells you how to use NHS dental services in Scotland.
- **It's okay to ask** gives useful tips and questions you can ask during your health care appointments.
- **The NHS Chronic Medication Service at your local pharmacy** tells you about an NHS service for people with a long-term condition.
- **Your guide to free NHS eye examinations in Scotland** gives information about free NHS eye examinations in Scotland for all UK residents.

We have tried our best to make sure that the information in this factsheet is correct. However, the factsheet is not part of the Charter of Patient Rights and Responsibilities. It is for guidance only so you should not rely on it as a complete statement of the law.

Produced by NHS inform



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