



**Working together on your NHS
Complaint**

Complaints, Claims and Redress and your Objective

An NHS complaint aims to trigger an investigation, obtain answers and explanations and find out what has gone wrong and how this can be put right and prevented from happening again.

If you feel that compensation is needed because both **negligence** and **harm** have occurred, only a solicitor can give you specific advice on the likely success of a medical negligence case or the time limits. Solicitors may charge for providing advice. A solicitor may be willing to take your case forward immediately or may advise you that there is no case to pursue. Alternatively, it may be suggested that you should make a complaint first to obtain a response and then you will be in a better place to make a decision about legal action.

Some types of insurance cover may help towards legal fees. Often, home contents/buildings insurance, credit card, trade union membership, registration with a professional body or car insurance have some degree of **family legal protection** which may be relevant. If you do have such cover, it may have to be activated **now** even if you do not currently intend pursuing any kind of legal case. Please check the details of your policy as we cannot provide you with further information as each policy is different.

NHS complaints in Wales are governed by the NHS Concerns, Complaints and Redress Arrangements (Wales) Regulations 2011. If a complaint involves a Health Board or NHS Trust and failure/negligence has occurred which has caused harm, then the NHS Organisation may need to put it right through a system of 'Redress'. This can involve more treatment, apologising, referring a patient elsewhere or making modest compensation payments. Redress is not relevant for all complaints.

Timescales

A complaint should be made as soon as possible and/or within a year of an incident.

The Regulations regarding complaints suggest that complaints should be answered in 30 working days, but this is a guideline only. Some complaint investigations are complex and will take longer to investigate and respond to.

NHS bodies are expected to "investigate once and investigate well" although this can mean additional time waiting for a response.

If a patient involved in a complaint is regarded as a "vulnerable adult", there may be a need for the matter to be independently reviewed before the NHS Complaint investigation can begin.

Your responsibilities

- The complaint is yours and although our role is to help you with the complaint process, you remain the decision maker.
- If there are any developments please let us know. Although all complaints are regularly monitored by the advocacy team, if you or the relevant NHS organisation do not inform us of developments, our records may not be up to date.
- Keep us up to date with your address, telephone numbers and email contact details if they change. There is a 'change of circumstance' form that you will need to complete for our records.
- During the complaints process, if your health situation or that of the patient changes, please let us know as we are not automatically informed of such changes.
- If we contact you by letter/telephone/email but repeatedly receive no response from you and if there is a long term absence of communication, we reserve the right to close the case file.

Working with you

- We aim to treat you as we would like to be treated ourselves, courteously and with respect.
- CHC advocacy staff deal with up to 200 complaints/enquiries at any time, from various locations and specific staff may not be immediately available. Advocacy Support Officers are the first point of contact for most queries as they can access your case files, provide updates and arrange for a telephone appointment to speak to your advocate.
- The CHC has a zero tolerance policy towards abusive, aggressive or unreasonable behaviour. If requests are unreasonable or if behaviour is unacceptable we reserve the right to withdraw advocacy support.
- Our confidentiality is not absolute. If you disclose information which suggests that there is a risk of harm to yourself/others or intent to break the law, we must refer this information to the appropriate authorities.
- We do not provide a 24-hour or emergency service.
- We cannot attend meetings in your place, as your representative.

- Advocacy staff can only deal with NHS matters involving health care and treatment that you have received (unless you are complaining on behalf of a friend or relative with their written consent). Anything else is outside of this remit and cannot be addressed through the NHS Complaints process.
- We do not provide any kind of health care or medical advice and we do not attend clinic appointments, assessments or treatments.
- We cannot expedite your treatment.
- We do not directly investigate complaints as we have no clinical, investigatory or legal expertise and cannot influence the investigation process or the length of time the investigation may take.
- We cannot give you legal advice. We cannot assist you with complaint matters that are already being dealt with by legal experts
- We do not provide counselling.
- We are unable to access, obtain or interpret medical records for you.

If you seek further guidance, you may wish to check the Putting Things Right website at www.gov.wales/nhs-wales-complaints-and-concerns-putting-things-right

Monitoring of the Advocacy service

When your complaint is concluded, you may be asked to complete a questionnaire which will ask you to consider your experience of the Advocacy Service (not your experience of the NHS Complaints Process). You are under no obligation to complete this but your feedback is welcomed, as we strive to improve our service through continual evaluation and it helps us understand what parts of the service meet your needs and what parts of the service need to be changed.

If at any other point during the Complaints Process you wish to give feedback regarding the Advocacy Service, whether this is positive or negative feedback, you are welcome to do so. Ideally, if you have any concerns, questions or comments, please discuss these with a member of the Advocacy Team in the first instance. Alternatively, you can contact the Chief Officer of Hywel Dda CHC on 01646 697610. If you prefer to write, the address is:

Hywel Dda Community Health Council
Suite 5, First Floor
Ty Myrddin
Old Station Road
Carmarthen
SA31 1BT

Other avenues for progressing an NHS matter:

- If you have a complaint against a specific professional group, such as a doctor, nurse, pharmacist or dentist, you can refer to the professional body responsible for that group. For example the General Medical Council is responsible for the competency/fitness to practice for doctors. Other health professionals have their own professional body which may investigate issues relating to named individuals.
- You may wish to discuss matters with your Assembly Member or Member of Parliament if you feel that there are some general issues affecting the public at large, particularly if you are seeking changes that involve any kind of political impetus.
- You may wish to seek advice from AvMA
Helpline: 0845 123 2352
(Mon to Fri 10am – 3.30pm)
Website: www.avma.org.uk
Address:
Action against Medical Accidents
Freedman House
Christopher Wren Yard
117 High Street
Croydon
CR0 1QG