

Patient Experience: Comments and Complaints

Information for Clinical Commissioning Group (CCG) staff

Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

This guidance is designed to help you understand your main responsibilities under the Complaints Regulations and the procedures in place to assist your CCG in the management of comments and complaints.

April 2013

Capturing patient opinion about health services is fundamental to understanding the patient experience and provides a perspective of the quality of service provision.

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 state:

A Complaint may be made by:-

- 1) (a) *a person who receives or has received services from a responsible body; or*
(b) *a person who is affected, or likely to be affected, by the action, omission or decision of the responsible body which is the subject of the complaint.*
- (2) *A complaint may be made by a person (in this regulation referred to as a representative) acting on behalf of a person mentioned in paragraph (1) who—*
 - (a) *has died;*
 - (b) *is a child;*
 - (c) *is unable to make the complaint themselves because of—*
 - (i) *physical incapacity; or*
 - (ii) *lack of capacity within the meaning of the Mental Capacity Act 2005(1); or*
 - (d) *has requested the representative to act on their behalf.*
- (3) *Where a representative makes a complaint on behalf of a child, the responsible body to which the complaint is made—*
 - (a) *must not consider the complaint unless it is satisfied that there are reasonable grounds for the complaint being made by a representative instead of the child; and*
 - (b) *if it is not so satisfied, must notify the representative in writing, and state the reason for its decision.*

Time limit for making a complaint

A complaint must be made not later than 12months after—

- (1) (a) *the date on which the matter which is the subject of the complaint occurred; or*
(b) *if later, the date on which the matter which is the subject of the complaint came to the notice of the complainant.*
- (2) *The time limit in paragraph (1) shall not apply if the responsible body is satisfied that—*
 - (a) *the complainant had good reasons for not making the complaint within that time limit; and*
 - (b) *notwithstanding the delay, it is still possible to investigate the complaint effectively and fairly.*

Notes:

“responsible body” means a local authority, NHS body, primary care provider or independent provider;

Each responsible body must designate—

- (a) a person, in these Regulations referred to as a responsible person, to be responsible for ensuring compliance with the arrangements made under these Regulations, and in particular ensuring that action is taken if necessary in the light of the outcome of a complaint; and
 - (b) a person, in these Regulations referred to as a complaints manager, to be responsible for managing the procedures for handling and considering complaints in accordance with the arrangements made under these Regulations.
- (2) The functions of the responsible person may be performed by any person authorised by the responsible body to act on behalf of the responsible person.
- (3) The functions of the complaints manager may be performed by any person authorised by the responsible body to act on behalf of the complaints manager.

Since April 2009, the NHS has run a simple complaints process, which has two stages.

1. The first step will normally be for a patient, or their representative, to raise the matter (in writing or by speaking to them) with the practitioner, e.g. the nurse or doctor concerned, or with their organisation, which will have a complaints manager. Alternatively, if preferred the patient, or their representative, can raise the matter with the relevant commissioning body such as a local Clinical Commissioning Group. The process is called local resolution, and most cases are resolved at this stage.
2. If patients remain unhappy, following receipt of a written response to their complaint, they can refer the matter to the [Parliamentary and Health Service Ombudsman](#), who is independent of the NHS and government. Call 0345 015 4033

From April 1 2013, individual local authorities have a statutory duty to commission independent advocacy services to provide support for people making, or thinking of making, a complaint about their NHS care or treatment. It is expected that the new system will be in place by autumn 2013.

The national complaints process is currently under review and you will be informed of any changes.

Following the changes to the NHS, as of April 1st 2013 there are two distinct complaints processes depending on which service is the subject of the complaint:

- 1) Complaints managed by Clinical Commissioning Groups: Your CCG has decided that NHS South Commissioning Support Unit (CSU) will collate and manage patient comments and complaints on their behalf regarding; *acute, mental health, learning disabilities, community and private providers***

Please direct any patients to the service concerned or to the CSU team as follows:

Write:

NHS South Commissioning Support Unit
Comments and Complaints Unit
Omega House
112 Southampton Road Eastleigh
Hampshire
SO50 5PB

Telephone:

023 8062 7600

E-Mail:

hamp-pct.commentsandcomplaints@nhs.net

(Note: You will be informed when this e-mail address is updated to reflect the new NHS structure in due course)

The patient will receive an acknowledgement of their complaint within 3 working days of receipt at the CSU.
A time scale for a full response to the complaint will be negotiated with the complainant, depending on the complexity of the issues.
The final response will be signed off by the CCG.

- 2) Any comments or complaints concerning *General Practitioners, Pharmacists, Optometrists, Dentists, Orthodontists or services commissioned by Specialised Commissioning* should be directed straight to the service concerned or alternatively to NHS England complaints contact centre:**

Please direct any patients to the service concerned or to NHS England as follows:

Write:

NHS ENGLAND
PO BOX 16738
REDDITCH
B97 9PT

Telephone:

0300 311 2233

E-Mail:

England.contactus@nhs.net

Complaints management decision tree:

If a patient, or their representative, has a comment or complaint about a health service :

