

Section 3

Rights and complaints



This section explains a number of rights protecting carers and the people they care for, and guides you through the complaints procedure for Family Services and the NHS.

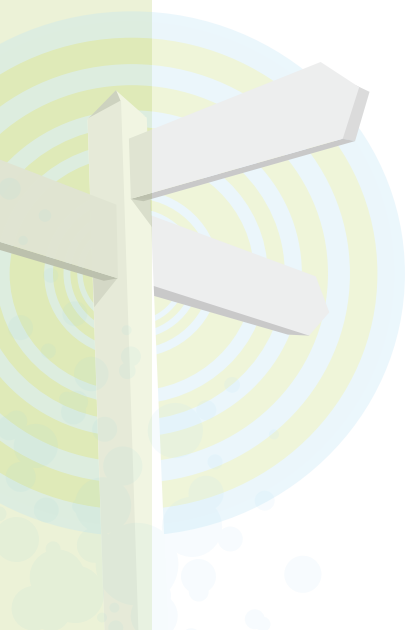
This section includes information about:

Rights and the law

Complaints regarding Family Services

Complaints regarding Health Services

Complaints about NHS Wakefield District



Rights and the law

There are a wide range of rights in the UK, covering all aspects of life from human rights, such as freedom of speech, to more specific rights such as those relating to education and healthcare, and protection from discrimination.

Getting information and help on your rights

Citizens Advice Bureau

Address: Ground Floor, 27 King Street, Wakefield WF1 2SR

Tel: 0844 499 4138

Web: www.wakefielddistrictcab.co.uk

The Citizens Advice service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities. It values diversity, promotes equality and challenges discrimination.

Wakefield Citizens Advice Bureau consists of three centres at Pontefract, South Elmsall, Wakefield, and various outreach sessions throughout the district, serving a population of over 315,000 people.

Equality and Human Rights Commission

**Address: Freepost RRLL-GHUX-CTRX, Arndale House,
Arndale Centre, Manchester M4 3EQ**

Helpline: 08457 622 633

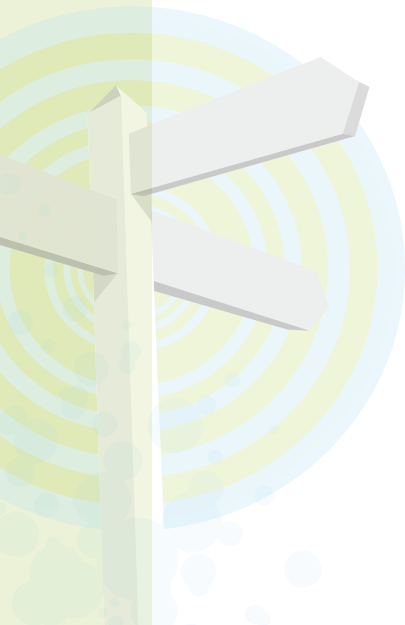
Textphone: 08457 622 644

Fax: 08457 778 878

The Equality and Human Rights Commission is a good source of advice if you feel you may have been discriminated against because of your disability. The Commission's helpline provides advice and information about the Disability Discrimination Act 1995 to disabled people, employers, service providers, schools and colleges, and friends and families of disabled people.

United Kingdom Disabled People's Council (UKDPC)
Address: Litchurch Plaza, Litchurch Lane, Derby DE24 8AA
Tel: 01332 295551
Minicom: 01332 295581
Email: general@UKSDPC.org
Web: www.bcodp.org.uk

The UK's national organisation of the worldwide Disabled People's Movement, set up in 1981 by disabled people to promote full equality and participation in UK society. It now represents some 70 groups run by disabled people in the UK at national level.



Complaints regarding Family Services (Adults)

Adult services are any services provided by Family Services to older people, adults with physical or learning disabilities, or those receiving mental health support.

On 1 April 2009, the new complaints procedure came into force. The aim is to make it easier for service users to resolve their concerns and complaints and for them to have a voice.

The process should:

- listen to what the service user is saying
- respond in a timely manner and resolve the issue
- learn and improve services

Who can complain?

- any person who receives services from or through Family Services
- any person whose request for a service from Family Services has been refused
- anyone acting on behalf of those people affected above (a consent form will need to be signed).

You may want to complain if you feel Family Services did not:

- reply to you
- deal fairly with your request for a service
- explain something properly
- provide a good enough service
- provide a service which is working
- treat you fairly on grounds of race, gender, religion, sexuality or age.

What do I do first?

All staff at Family Services aim to provide a first-class service to everyone they come into contact with. However, on occasions when we have not achieved the high standards that you have come to expect, you may wish to make a complaint.

If you are not satisfied with the service that you are receiving, you can tell the Family Services staff that you regularly see, or ask to speak to the manager. They will then try to put things right for you as soon as possible.

Adults Complaint Process

- If you have a problem, the first step is to talk to a Family Services worker or manager involved in your case. If you are unable to sort out a problem, please contact the **Complaints and Representations Team**.

Complaints and Representations Team (Wakefield Council Family Services)

Address: Complaints and Representations Team, County Hall,
Bond Street, Wakefield WF1 2QW

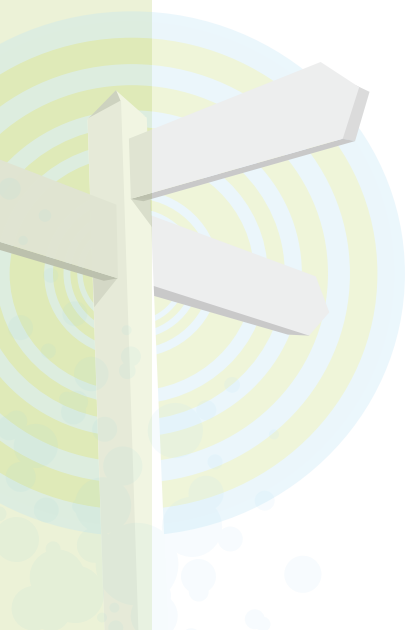
Tel: 01924 302840

Email: familyservicescomplaints@wakefield.gov.uk

- A complaints officer will contact you back, and will establish whether your complaint can be dealt with through the adults procedure or signpost you as appropriate
- If your complaint can be dealt with through this procedure, they will try and resolve your complaint as quickly as possible, usually by telephone
- If this is not possible, they will offer to meet you at a location convenient to you
- You may request an advocate to support you or bring along a friend or a member of your family for support
- They will then meet with yourself and a manager to draw up a resolution plan. This process will allow everybody involved to know exactly what the complaint is. Part of this resolution plan will allow everybody involved to know who will be investigating the complaint and within what timescale.
- You will then be asked how you would like your response. This could be by telephone, email, report form or audio.
- If the complainant is happy with the outcome, the complaints officer will follow up the recommendations to ensure that they are adhered to and that Family Services have learnt from any mistakes they may have made.

If you remain dissatisfied...

Contact the complaints officer dealing with your complaint and your plan can be reviewed to try and get a better outcome to your complaint. At the end of this process if you are still not satisfied, the next stage of the procedure is to contact the **Local Government Ombudsman**.



Complaints regarding Health Services

What are my rights?

Most medical care and treatment goes well, but things occasionally go wrong, and you may want to complain. Every NHS organisation has a complaints procedure. If you're not happy with the care or treatment you've received, or you've been refused treatment for a condition, you have the right to complain, have your complaint investigated, and be given a full and prompt reply.

The NHS Constitution explains your rights when it comes to making a complaint. You have the right to:

- have your complaint dealt with efficiently, and properly investigated
- know the outcome of any investigation into your complaint
- take your complaint to the independent **Parliamentary and Health Service Ombudsman** if you're not satisfied with the way the NHS has dealt with your complaint
- make a claim for judicial review if you think you've been directly affected by an unlawful act or decision of an NHS body, and
- receive compensation if you've been harmed.

Where do I start?

Ask your hospital or trust for a copy of their complaints procedure, which will explain how to take things forward. NHS Foundation Trusts have their own complaints systems. Your first step will normally involve raising the matter, either by speaking or in writing, with the practitioner, e.g. the nurse or doctor concerned, or with their organisation, which will have a complaints manager. This is called 'Local Resolution' and most cases are resolved at this stage.

If you're still unhappy with the outcome, you can refer the matter to the **Parliamentary and Health Service Ombudsman**, who is completely independent of the NHS and government.

When should I complain?

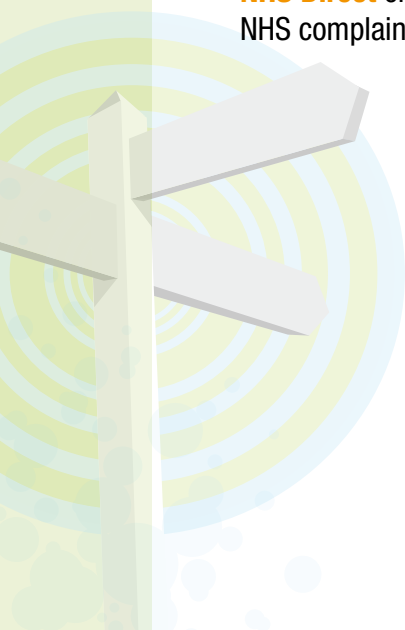
As soon as possible. Complaints should normally be made within 12 months of the date of the event that you're complaining about, or as soon as the matter first came to your attention.

The time limit can sometimes be extended (so long as it's still possible to investigate the complaint). An extension might be possible, such as in situations where it would have been difficult for you to complain earlier, for example, when you were grieving or undergoing trauma.

Who can help?

Making a complaint can feel like rather a daunting process, but there is help available.

- **NHS Wakefield District - The Patient Advice and Liaison Service (PALS)**, which is a service located in each NHS trust, can advise you on how to take your complaint forward or help you to resolve it informally. They can't take it up for you.
- **The Independent Complaints Advocacy Service (ICAS)** is a free, confidential and independent service which can help you make a formal complaint about NHS services. (You can contact your local ICAS directly. Find it in the phone book, through the hospital manager, or through PALS)
- **NHS Direct** or your local **Citizens Advice Bureau** can advise on NHS complaints.



Complaints about NHS Wakefield District

What should I do if I have a concern or a complaint?

1. Speak to the service

If you have any concerns about a service you have used or the treatment you have received, speak to a member of staff or the manager of the service first. This is because it is often the quickest way to resolve a concern or complaint, and staff will try to deal with your issue on the spot if possible. If your concerns cannot be resolved in this way and you wish to make a formal complaint, the staff member will record details on a form and it will be treated as a written complaint.

2. Contact the Patient Advice and Liaison Service (PALS)

Alternatively, you can talk in confidence to the **Patient Advice and Liaison Service (PALS)**. This is a free and confidential service to help to resolve any concerns that you may have about the care or treatment you have received.

If your concerns cannot be resolved quickly and you wish to make a formal complaint, PALS can advise you how to do this or record details of your concerns for you so they can be treated as a written complaint. They can also give you information on independent advocacy services if you would like help in making your complaint. As well as getting help to resolve concerns, you can also give PALS any comments you have on the service you have received or suggestions on how this could be improved.

Patient Advice and Liaison Service (PALS)

Tel: 0845 602 4832

Text: For general health enquiries, text PALS plus your name and a short query, to 64446.

Email: PALS@wdpct.nhs.uk

3. Contact the Complaints Department

All NHS organisations will have a department that deals with complaints, so if you prefer not to speak to the service directly, or are not happy with the response you have received, you can contact the complaints department at the relevant organisation. In GP or dental practices this will normally be the practice manager. Contact **Patient Advice and Liaison Service (PALS)** for more information.

4. Contact NHS Wakefield District

If for any reason you do not want to take any of these routes, or your complaint relates to a commissioned service (planned and paid for), you can ask NHS Wakefield District to investigate the complaint on your behalf. You will need to put your complaint in writing and send it to the **NHS Wakefield District -Complaints Department**. Please include your name, address and date of birth, details of the service the complaint relates to, and reasons for the complaint. If you would like a friend or relative to make the complaint on your behalf, you will need to give them permission to do this in writing, which must be included with the complaint.

NHS Wakefield District - Complaints Department

Tel: 01924 213140

Email: complaints@wdpct.nhs.uk

**Post: Complaints Department, Wakefield District PCT,
White Rose House, West Parade, Wakefield WF1 1LT**

What happens after I make a complaint?

Wherever possible, complaints or concerns that are raised directly with the service or PALS will be resolved on the spot or within 48 hours.

If you make a written complaint:

- they will write to you to acknowledge your complaint within three working days
- a member of the Complaints Team will then contact you to discuss and agree how your complaint will be investigated

- NHS Wakefield District will investigate the issues you have raised to resolve your concerns and make any necessary improvements to the way services or care are provided
- once your complaint has been investigated, they will provide a final written response within the timescale agreed with you at the start.

Hopefully this will ensure that matters have been cleared up to your satisfaction but they will explain the next steps you can take if you remain dissatisfied.

If you would find it helpful to meet with a member of the Complaints Team to discuss your complaint, at any time during this process, please contact them to arrange this.

Who can complain?

You can make a complaint about any service provided by the NHS that you have used. A friend or relative acting on your behalf can make the complaint for you, but you need to give your permission for them to do this in writing.

How long have I got to make a complaint?

Complaints should be raised as soon as possible and generally within 12 months of an event.

Will my care or treatment be affected if I make a complaint?

Making a complaint will not have any negative effect on your treatment or care. Everything will be treated in confidence, and everything will be done to resolve your concerns, and make any necessary improvements to the care or treatment you are receiving.

Can I complain about treatment I have received from a private healthcare organisation?

If your treatment was funded by NHS Wakefield District, you can contact them to investigate any concerns you may have or to investigate a complaint.

Choice

You can also complain to NHS Wakefield District if you feel that you were not made aware of the different choice of healthcare providers that are available for you and your condition.

