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Target Audience:
HSE Inspectors

NHS COMPLAINTS PROCEDURE - THE ROLE OF THE HEALTHCARE COMMISSION

This SIM advises inspectors on new arrangements for handling complaints within the English National Health Service (NHS). From 30 July 2004 the Healthcare Commission (the successor body to the Commission for Health Improvement) will begin independently reviewing complaints about the NHS that have not been successfully resolved locally. This may assist complaints officers/inspectors in dealing with some complaints from patients/relatives

1. The aim of the NHS complaints procedure remains that the local NHS organisation or practitioners concerned resolve the majority of complaints. However, if a patient remains dissatisfied after they have received a formal response to their complaint, they have the right from 30 July 2004, under the Health and Social Care (Community Health and Standards) Act 2003, to ask for their complaint to be reviewed by the Healthcare Commission. NHS complaints staff must make this right explicit.
2. Patients, or those acting on their behalf, who contact HSE with complaints about NHS treatment should be made aware of the above procedures. If they need advice on how to make a complaint about the NHS, they should contact their local Independent Complaints Advisory Service (ICAS) or the Patient and Liaison Service (PALS) located within their local NHS trust. If they then still wish to make a complaint to HSE, it should be treated as any other complaint.
3. The new powers of the Healthcare Commission with regard to NHS complaints are not retrospective. They will not, therefore, be able to re-investigate issues that have been the subject of an independent review under the former system or a Health Service Ombudsman's

report. Any accepted request for independent review under the former system must be completed under that system. From 30 July 2004, all new cases for independent review will be directed to the Healthcare Commission.

4. Further information about the Healthcare Commission's role in NHS complaints can be found on their website at www.healthcarecommission.org.uk Patient information is available in the form of a leaflet copies of which can be obtained by sending an e-mail request to complaints@healthcarecommission.org.uk.

5. Inspectors should advise Health Authority staff that they should be aware of this information and act accordingly if they find themselves in this situation.

6. Questions relating to the new process generally should be directed to the Healthcare Commission complaints team on 020-7448-9100.

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