

## Healthwatch Warrington

# NHS Complaints Advocacy Service

## Self-Help Information Pack

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## How to use this pack

This information pack is designed to help you make a formal complaint about the NHS if you feel something has gone wrong with the care, service or treatment you have received from the NHS. You can use it as a guide to help you make your complaint by yourself, but if you would like the support from an Advocate, we can provide you with a Healthwatch Warrington Complaints Advocate to support you through the complaint process. You can then use this information pack as a guide when you work through your complaint with an Advocate.

The NHS complaints process can sometimes be confusing to understand. This guide will give you information about every step of your complaint and includes a straightforward description of what the NHS complaints procedure covers and how it works, who can complain and how we can help you.

If you want to find out more about the NHS Constitution and your rights under the NHS Complaints Procedure, you can refer to The Local Authority Social Services and National Health Service complaints (England) Regulations 2009. You can find links to the regulations by visiting the Department of Health's website [www.dh.gov.uk](http://www.dh.gov.uk) and there is also a link on our website <https://healthwatchwarrington.co.uk/nhs-complaints-advocacy/>

### **How Healthwatch Warrington's NHS Complaints Advocacy Service can help you.**

Healthwatch Warrington's NHS complaints Advocacy Service can help you raise a concern about NHS care or treatment. The service is:

- ✓ Free
- ✓ Confidential
- ✓ Independent

If you would like support, we will explain your options and provide you with tailored support to meet your needs. Your advocate will be able to help you to think about what you would like to achieve from your complaint and help you from the start of the complaint process until the matter has concluded.

## About Healthwatch Warrington's NHS Complaints Advocacy Service

You have a right to be heard and to make your voice count.

Advocacy is about supporting people to take part in processes and decisions that affect your life.

Advocacy is free, confidential and independent.

We provide one-to one advocacy support, tailored to your needs.

You provide us with your instructions and how we can support you.

Your views remain your own. An advocate will not try to change your views and will support you to put your views across so people listen to what you want to say.

We work with people across Warrington

Our service is available to everyone who has a NHS complaint.

If you want support from an advocate, they can:

- ✓ Answer your questions to help you make decisions
- ✓ Help you write letters to the right people
- ✓ Provide you with one to one support and explain your options
- ✓ Prepare you for meetings and attend with you
- ✓ Monitor the progress of your complaint and help you get the best possible resolution

An advocate cannot:

- × Give you legal or medical advice
- × Provide counselling
- × Help you complain about a private healthcare provider
- × Get an NHS employee disciplined
- × Provide a secretarial service

## How the process works

### Your call to us

When you contact us on our Freephone number, your call comes directly to our Advocacy team who will take your contact details, talk with you about your concern, discuss what type of help and support you require and ask if you have any communication needs as we provide all of our documents in a variety of formats (including large print and easy read) and can also provide information in a range of languages.

We will give you a brief outline of what you can expect of the NHS Complaints Procedure and how we can support you. Whilst we will always try to put you through to one of our Advocates on the initial call you make, this is sometimes not always possible therefore we will always allocate your case to a dedicated Advocate within 48 hours of your call and ensure that they contact you. We will always try to match you with an advocate who best meets your needs. And your advocate will try different ways to communicate with you if you need them to.

### Giving consent

Before we can work with you, you will need to provide us with your consent. We will send you out a client consent and confidentiality form which you will need to complete and send back in. A copy of this form will have been provided with this Self-Help Information Pack and can also be downloaded from our website. We can help you complete it if you need us to.

### Accessing Advocacy Support

When your advocate calls, they will discuss your concerns and agree with you an initial Advocacy Support Plan which will contain details of your complaint, including a breakdown of the issues you want to raise, what outcome you are hoping to achieve and what action we will take to assist you. Once we have agreed a plan with you on the telephone, we will send you out a copy and you have the opportunity to make any changes to it.

Once you have agreed your Advocacy Support Plan, we will begin working with you to help support you make your NHS complaint.

We will review your case monthly and make contact with you to provide updates on your case. We will also chase the progress of responses on your

behalf. At every step of the way, you can tell us how we can support you and if your needs change so that we can be sure we are providing you with the best support and service that we can.

You can always contact us at any step of your complaint if you want to talk things through with us or if you need some more information or support.

## **Working Together**

### **Our staff**

All our staff are fully trained and either hold or are working towards completing the National Advocacy in Qualification. We believe that it is vital that the people who act as your advocate must be properly trained, monitored and supervised to ensure that they are doing their job for you properly. All our advocates receive regular training updates and supervision of their cases.

We may sometimes ask you for information about how you feel we are doing our job. We gather information to monitor what we are doing, and we will also ask you to tell us if we are doing our job right.

### **Our policies**

To ensure we provide you with a good quality of Advocacy support, we have a range of policies and standards to protect you. You have a right to your own copy of any of our policies, which can be found on our website: <https://healthwatchwarrington.co.uk/nhs-complaints-advocacy/> or alternatively, you can contact us direct on our Freephone number (0800 161 5600) and we will send you a copy of the policy you are requesting.

#### ➤ **Confidentiality Policy**

All our staff are trained in data protection and treat information as confidential.

We will keep all the information you provide confidential unless we think you are about to either harm yourself or another person or commit a crime. In these circumstances the concerns raised will be discussed by the staff member involved and their line manager.

If you would like to know more about the information that we hold on you, please contact us.

- **Equal Opportunities Policy**
- **Complaints Policy**

We will always strive to provide you with the highest quality of service. If you are dissatisfied with the service we have provided you with or if you have a complaint, you can contact us directly at [advocacy@ecstaffs.co.uk](mailto:advocacy@ecstaffs.co.uk)

When we receive a complaint about our service, we will always respond swiftly, and in full to address all the concerns being raised.

If it is not possible to resolve the issue informally, we will carry out a formal investigation into your complaint and keep you updated throughout the process.

If you have completed our internal complaints process and remain dissatisfied, you can appeal to the commissioning organisation, Warrington Borough Council <https://www.warrington.gov.uk/>

## **After your case is closed**

Once your case has been closed, we will retain your file for 14 months. At the end of this time, we will remove any records that we hold and destroy any paper files.

## **What is covered by the NHS Complaints Procedure?**

The NHS Complaints Procedure applies to all services provided or funded by the NHS including GP's, hospitals, pharmacies, opticians, the ambulance service and any NHS social care (including nursing home or home-based care) that you may receive.

You can also use the NHS complaints procedure if your complaint covers both health and social care, and to complain about NHS funded nursing home care or a home-based care package funded by the NHS.

You cannot use the NHS complaints service for complaints that are about:

- × Social care alone or other services provided by the council- you will need to contact your local authority or visit their website to find out about their complaints procedure
- × Privately funded health, nursing home or home-based care
- × Personnel matters, such as getting NHS staff disciplined- there is a separate procedure for NHS staff disciplinary matters. The complaints manager will be able to advise you about local procedures, or it may also be helpful to contact the relevant regulatory body. We can signpost you to the right organisation if you need help.
- × Legal issues and claims for compensation for clinical negligence – if you are seeking compensation then you will need to seek legal advice. You should speak with a solicitor who specialises in medical or clinical negligence. As there may be time limits involved in making a claim, it is best to seek legal advice as quickly as possible
- × Contractual matters and consultations about service change- The complaints process cannot be used in commercial or contractual disputes. You should consider seeking legal advice and can find a solicitor through the Law Society's website:

[www.lawsociety.org.uk](http://www.lawsociety.org.uk) or telephone: 020 7320 5650

## **Your rights under the NHS Constitution**

The Constitution is a promise that the NHS will always be there for you.

The NHS Constitution was created in 1948. It was created to ensure that the NHS will always do what it was set up to do- which is to provide everyone with high quality healthcare that is free. The NHS Constitution brings together in one place details of what staff, patients and the public can expect from the NHS. It also explains what you can do to help support the NHS, help it work effectively, and help ensure that its resources are used responsibly.

The Constitution sets out your rights as an NHS patient. These rights cover how patients access health services, the quality of care you'll receive, the treatments and programs available to you, confidentiality, information and your right to complain if things go wrong.

## The right to make a complaint

One of the primary aims of the Constitution is to set out clearly what patients, the public and staff can expect from the NHS and what the NHS expects from them in return.

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 be properly investigated
- ✓ Know the outcome of any investigation into your complaint
- ✓ Take your complaint to the independent Parliamentary and Health Services Ombudsman if you're not satisfied with the way the NHS has dealt with your complaint.

**You can find out more information about the Parliamentary and Health Services Ombudsman by visiting its website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)**

## Deciding if you have a complaint

If you are unsure whether you have a complaint, you can contact Healthwatch Warrington's NHS Complaints Advocacy team who can talk through your concerns and help you to decide if you want to make a complaint.

### **Speak directly to a member of staff**

Many complaints are caused by misunderstandings or communication problems that can be put right once the problem is identified and explained. Before you make a formal complaint, it is sometimes helpful to speak directly to a member of staff who has been involved in your treatment or their manager and explain your concerns. If you feel comfortable speaking directly to a member of staff, you can explain what you are unhappy about and ask them to help you. This is often the quickest way to put things right and stop them getting worse. However, if you do not feel comfortable talking about your concerns with a member of staff, you do not have to as you may prefer to put your concerns down in writing and make a formal complaint.

### **Patient Advice and Liaison Service (PALS)**

If you do not feel comfortable speaking with a member of staff or their manager directly, you may want to talk to the Patient Advice and Liaison



Service (PALS). PALS provides information, advice and support to patients, their families and their carers and can help you get answers to your questions quickly.

**The NHS Complaints Procedure may be the best route for you to follow if:**

- ❖ You have raised your concerns informally, but they have not been resolved fully
- ❖ What happened to you raises serious questions about standards of care
- ❖ You wish to raise complex issues which require investigation
- ❖ The issues involved concern more than one organisation

When raising a concern or making a complaint about the NHS, you can expect to be treated with courtesy and respect and to be offered support to help you raise your concerns.

## Who do I complain to?

- **Complaints against GP's, Dental Practices, Pharmacists.**

If your complaint is about your GP or your dentist or other service provider such as a pharmacist, you can contact the Practice Manager and ask for the details of the person in charge of complaints for that organisation.

When writing your complaint letter, you should address your complaint to the "Complaints Manager" at the practice in question, using their name if known.

If you don't feel able to send your complaint direct to the practice in question, you can send it direct to NHS England instead, as this is the body that manages the funding of GP's and dentist and other primary care services. If you would prefer to send your complaint to NHS England, send your complaint letter:

**By Post:** NHS England, PO BOX 16738, Redditch, B97 9PT

**Tel:** 0300 311 2233 or **Email:** [England.contactus@nhs.net](mailto:England.contactus@nhs.net)

**Complaints against NHS Trusts, including hospitals, mental health service providers, community service providers, the ambulance service or Clinical Commissioning Groups (CCG's) which commission health services.**

If your complaint is against an NHS Trust (such as a hospital) or a Clinical Commissioning Group (CCG), you should address your letter to the "Chief Executive" of the organisation you want to complain about.

It is always best to get a copy of the local complaints procedure as this will set out who is responsible for what and how the system works locally. You can contact the service provider and ask to speak to the person who is responsible for complaints and ask them to send you a copy of the complaints procedure for that organisation.

**When should I complain?** You should make your complaint as soon as possible after the event you want to complain about has happened. Complaints should be made within **12 months** of the event occurring or from when you first became aware about the issue you want to complain about. If you make a complaint after this 12-month time limit, you may be granted an extension to pursue your complaint, but this will depend on the circumstances of your individual case.

## How to write a letter of complaint

### What should I include in my letter?

- 1) Your letter should state that it is a **“formal complaint”** and that you want the complaint to be investigated under the **“NHS complaints Procedure”**.
- 2) Explain **what you are complaining about**. This can be a brief initial paragraph giving an overview of your complaint and what it is about.
- 3) Describe the **circumstances of your complaint and why you are complaining** (making sure you number the points you raise) providing:
  - **What happened**- be clear and brief
  - **When it happened**- dates (including the year and month), particular days and times
  - **Where it happened**- places, names of staff
  - **What effect it has had on you and why you are not satisfied**
  - **Set out any questions you would like answering**. For example- I would like the following questions answered in the response to my complaint... (1); (2) - making sure you start with your most important question.

- 4) Describe **what you want to happen** and what you think should be done – for example:
- Ask for an explanation of what happened
  - Ask for an apology
  - Request that action is taken to resolve the problem you have identified, asking for details of who will take action, and by what date.
- 5) **Include copies of documents/ supporting evidence** if appropriate- if it will help to explain your complaint, you can include relevant documents or key pieces of evidence and ask that they are considered when your complaint is reviewed. It is important to remember to **keep your own copies of the documents you send in as you may need to refer to them at a later date.**

## **Who do I send my complaint to if it concerns more than one organisation?**

If you want to complain about more than one organisation, you only need to send **one** letter of complaint to **one** of the organisations. You must provide details of the other organisation(s) covered by your complaint, but they will then liaise with each other and provide you with a co-ordinated response.

### **Helpful tips:**

- ❖ Try to keep your complaint letter to no more than two pages.
- ❖ If your letter is longer than two pages, number the pages.
- ❖ Attach a chronology of events or a log of key dates.
- ❖ Use clear language and short sentences. Bullet points are also effective.
- ❖ Start with the most important things you want to raise and address one point at a time.
- ❖ Put your concerns politely, but firmly.
- ❖ Always keep copies of the letters and emails that you send and receive in case you need to refer to them.
- ❖ Keep a copy of all letters sent and received, and in date order.
- ❖ Make sure you have a record of how your complaint letter was delivered, by sending it by recorded or special delivery.

## Getting help writing your complaint

If you are unsure who to write your complaint to or need help with any aspect of your complaint, you can contact Healthwatch Warrington's NHS Complaints Advocacy service for advice and support on our Freephone number 0800 161 5600 or email [advocacy@ecstaffs.co.uk](mailto:advocacy@ecstaffs.co.uk)

We will provide you with advice and information or put you in contact with other organisations who may be able to help you.

We can also provide you with a dedicated Healthwatch Warrington NHS Complaints Advocate – a trained individual who can provide you with one to one support to assist you in making your NHS complaint.

If you would like an Advocate to support you, they can help you to write a letter of complaint if you are unsure what to write, or they can discuss your complaint in detail and try to help you establish what you want to include in your complaint letter so that you can write it yourself.

An Advocate will also make sure your letter gets sent to the right person and can support you by monitoring your complaint and discussing the response you receive.

Healthwatch Warrington's NHS Complaint Advocacy service is free, confidential and independent. If you are not sure if you need an Advocate, contact us and we can discuss your case and support your individual needs.

**Call our Freephone: 0800 161 5600**

***Example complaint letter (This letter is an example template letter for making a complaint and should be used as guidance only)***

Insert your name  
and address  
where you want a  
response to be  
sent

Include your  
telephone number

The Complaints Manager (name if known)

Name of the organisation (E.g. GP Surgery, Pharmacist, Dentist)

Address

**Or** if writing to a CCG or NHS Trust address it to

The Chief Executive (name if known)

Name of the CCG or NHS Trust

Address

Date

Dear ... Name (if known) or Sir/ Madam

**FORMAL COMPLAINT**

I am writing to make a formal complaint which I wish to be investigated under the NHS Complaints Procedure. I am writing to complain about the care/ treatment I received from (name of place/ staff members) on (dates/ times).

OR (If you are acting on behalf of a patient)

I am writing on behalf of (insert name of patient) and I enclose their written consent to act on their behalf. *(If you are unable to obtain the patients consent as they are too ill, too young or if the patient is deceased, you should explain this here)*

(Outline the details of your complaint)

- **What happened**- be clear and brief

- **When it happened**- dates (including the year and month), particular days and times
- **Where it happened**- places, names of staff
- **What effect it has had on you and why you are not satisfied**
- **Explain what, if anything, you have already done to try and resolve matters**

I would like the following points addressed in your response to me.

**-Ask the questions you would like the answers to and list them in order of importance**

**-Set out why you are not satisfied**

As a result of this complaint, I would now like you to:

- **Give me an explanation as to what went wrong and why**
- **Provide me with an apology**
- **Explain to me what action you intend to take (including details of who will be taking the action and by when)**

I confirm that I have enclosed the following documents with this complaint letter which I would like to be considered as part of your investigation into my complaint:

(List documents you are sending in)

I look forward to receiving an acknowledgement to this letter and await confirmation that you will investigate my complaint in accordance with the NHS complaints Procedure.

If you require further information, please contact me.

Yours sincerely (if you have used the person's name when addressing this letter)

Or

Yours faithfully (if you have used Chief Executive/ Complaints manager or Sir/ Madam when addressing this letter)

YOUR SIGNATURE

PRINT YOUR NAME

CC. (If you are going to send a copy of this letter to someone else/ another organisation, include the name here)

## **What happens once I have made my complaint?**

### **When should I expect a response?**

Sometimes it is possible to resolve your concerns immediately but if it is not the case, you can expect to receive an acknowledgement letter within 3

working days which should include full details of the complaints procedure, and a timescale for resolving the issues and keeping you informed of progress.

The organisation concerned should offer to discuss your complaint and arrange a plan to resolve your concerns with you.

They should contact you if they need to change the timescale and agree an amended timescale. The timescale can be influenced by things like how many staff they need to speak to, the complexity of the issues being raised, how easy it is for them to access your medical records and if other organisations are involved in your complaint.

The organisation should conduct an investigation into the issues you have raised in your complaint

If a response cannot be sent to you within the set timescales, you should receive a holding letter explaining when you will receive a response and an explanation for the delay. If you do not get a response by the deadline, you can send a further letter to chase the response or make a telephone call.

At the end of the investigation into your complaint, the organisation that you are complaining about should offer you a meeting to discuss their findings or write to you with their findings. They should provide you with a balanced, factual and impartial complaint response letter that is clear and easy to understand. The letter should include:

- A summary of your complaint
- The outcome of the investigation and what was found
- Information on what you can do if you are unhappy with the response and the answers that they have given you

Depending on what the investigation found, the letter may also contain:

- An apology (if appropriate)
- An explanation of what happened, what action will be taken as a result of your complaint, who is responsible for the action and when it will be completed
- What steps have been taken to prevent the same thing from happening again to other people.

If you don't receive a complaint response letter in the timescale that was provided to you, then it is reasonable for you to contact the organisation, either on the telephone or in writing to ask when you can expect to receive it and explain that the deadline you were given has passed.

If you haven't received a response letter from the organisation within six months of your original complaint letter and you have not agreed to a longer timeframe with the organisation directly, you may want to consider referring your complaint to the Parliamentary and Health Services Ombudsman.

## **Other features of the complaints procedure**

Sometimes, after you have submitted your complaint, the Complaints Manager may suggest that a meeting to discuss your complaint may be useful before coming to a conclusion. This is called a **Local Resolution Meeting (LRM)**. The meeting is often used as an opportunity to answer any questions you may have, and it also gives you an opportunity to discuss your concerns face to face with the organisation in question. Some people can find the idea of these meetings distressing, but you can ask for an advocate to support you and attend with you at the meeting. An advocate can also go through what to expect at a Local Resolution Meeting before you go and answer any questions that you may have.

Before a Local Resolution Meeting, the complaints team at the organisation will ask for a list of points you wish to discuss or an agenda from you. They ask for this so that they can ensure the right people attend the meeting, they have time to prepare and obtain any additional information they may need to answer your questions, and they find that by having an agenda or a list of points to cover, it helps to keep the meeting focused.

An advocate can help you to draw up an agenda for your meeting. You may also find it useful to go through the letters you have sent and the responses you have received before the Local Resolution Meeting takes place.

In the meeting, someone from the NHS should chair the meeting to ensure it runs smoothly. The meeting may also be recorded and if this occurs, you might be provided with a copy of the recording.



## **Referring your complaint to the Ombudsman**

If you have not been able to resolve your complaint with the provider, you have the right to take your complaint to the Parliamentary and Health Services Ombudsman (PHSO) whose role it is to investigate complaints that individuals have been treated unfairly or have received poor service from the NHS in England. The Ombudsman is independent of the NHS and of government and their services are free and confidential.

If you want to refer your complaint to the Ombudsman, you should submit it no later than one year from the date of the events you are complainant about (or from when you first became aware of the matter). If you refer the complaint outside of these time limits, the Ombudsman does have discretion to extend the limits if there is a good reason, for example if the Local Resolution Process took longer than a year.

### **What happens once the Ombudsman receives your complaint?**

Although the Ombudsman does look at every complaint that it gets referred to it, it does not investigate each complaint as some are not eligible for investigation. The Ombudsman uses discretion to decide if a complaint is eligible and asks that people try and resolve the complaint with the organisation directly before making a referral. If it finds that you could do more with the organisation directly to try and resolve your complaint, it will send your referral back and ask you to try to resolve the problem locally with the organisation first.

The Ombudsman will not usually accept a complaint for investigation where:

- × A decision has been made by the NHS organisation you are complaining about which you do not agree with, and you do not have any evidence as to why you believe the decision is wrong.
- × They cannot see that any evidence has been provided to suggest the NHS provider acted incorrectly
- × The outcome for the investigation is not achievable i.e. the remedy being sought is not available

- × They decide that the NHS provider has done all they reasonably can to put things right already

When the Ombudsman's office receives your complaint referral, they will consider whether it meets its criteria to enable an investigation to take place. To help them decide if your case meets its eligibility criteria, it may ask you to provide clinical records or papers related to your complaint. Once they have conducted an assessment on whether they will investigate your complaint, they will write to you and let you know.

### **Cases accepted for investigation**

If your case is accepted for investigation, it will be allocated to a Case Manager. The Case Manager will be responsible for conducting a full investigation into your case and should keep you updated regularly about the progress being made. If the Ombudsman upholds your complaint or part of your complaint, it can make recommendations to the organisation or practitioner about actions to put things right. The organisation should provide you with a full response to the recommendations within an agreed timescale.

### **Ombudsman decisions**

If the Ombudsman does not accept your case for investigation, or if after investigating the Ombudsman makes the decision not to uphold your complaint, you have exhausted the complaints process and the Ombudsman's decision about your complaint will be regarded as final.

You can find out more about the Parliamentary and Health Services Ombudsman on its website [www.ombudsman.org.uk](http://www.ombudsman.org.uk) or contact us and we can provide you with further information.

## **Questions and Answers**

### **Who can complain?**

Any NHS patient can complain about the service, care or treatment they have received and are unhappy about.

**My mother died, and I didn't have consent to act for her; can I still make a complaint about the treatment she received?**

Yes, even if you do not have the written permission of the relative or friend who has died, you may raise a complaint on their behalf. The NHS may in some cases decide not to accept your complaint if they do not find you are a suitable representative, but if this happens, they will discuss this with you.

I have had an operation in a private hospital, can I complain to the NHS?

This will depend on whether the NHS paid for your treatment or if you paid for it yourself. If you paid for it yourself or it was paid through private healthcare insurance, you cannot complain to the NHS. You should contact the organisation directly and ask for a copy of its own internal complaints procedure which you will need to follow. If, however, your treatment was paid for by the NHS, you can make a complaint through the NHS Complaints Procedure.

### **Can I make a complaint on someone else's behalf?**

Yes. If you are making a complaint on the patient's behalf, you will need their written consent confirming they want you to pursue the complaint on their behalf.

If the person is too ill to provide you with their consent, is too young to provide you with consent, or if the patient is deceased, you should explain the circumstances around why you are making the complaint at the beginning of your complaint letter.

## **Keeping Track...**

Once you have started the complaints process, it is useful to keep a record of the letters and telephone calls that you send and receive so you can keep track of how your complaint is progressing.

Keep all copies of letters that you send and receive and try to keep them in date order

We have produced this useful contact record so that you can keep track of your complaint.

If you have an Advocate supporting you, it may be useful to store their name here too:

My Advocate is.....

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**Our service is here to support  
you.**

We hope you find this information pack helpful when making a complaint about the NHS.

Healthwatch Halton has a range of policies and procedures which sets out our commitment to you and our staff. You can ask for copies of our policies or view them online.

If you need this information pack in another format or language, please contact us:

**Talk to us. Make your voice  
count.**

**0800 161 5600**

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is.....

# Contact Record

Date	Who (name and organisation)	How? (letter/ email/ in person/ telephone)	What they agreed to do	What you agreed to do/ next action
