

# How to raise concerns, give feedback or make a complaint

We are very sorry that your baby has died. We understand that this is a very upsetting and confusing time. Sands is here for anyone affected by the death of a baby.

The information here is intended to support you in sharing your experiences of maternity care if you would like to do that. You should not feel scared or worried about sharing feedback about your experiences. Patient feedback is one tool hospitals use to improve their services for families in the future.

## **If you need immediate support with your emotional or mental health**

The Sands National Helpline provides a safe, confidential place for anyone affected by the death of a baby. Whether your baby died long ago or recently, we are here for you.

The telephone helpline is free to call from landlines and mobiles on **0808 164 3332**. You can also email the team at [helpline@sands.org.uk](mailto:helpline@sands.org.uk).

If you need specialist mental health services, ask your bereavement midwife or your GP for a referral.

### If you would like to share your experience of maternity care

If you have a concern or observation or want to share any feedback, positive or negative, about your care, there are several ways you can do this, including:

- sending an email or letter to the Head of Midwifery
- speaking to the Patient Advice and Liaison Service (PALS) at the hospital where you or your baby were cared for
- submitting your feedback on websites such as
  - NHS.UK ([www.nhs.uk/contact-us/give-feedback-or-make-complaint/](http://www.nhs.uk/contact-us/give-feedback-or-make-complaint/)), or
  - Patient Opinion ([www.patientopinion.org.uk](http://www.patientopinion.org.uk))
- using a search engine to look for your local hospital's maternity feedback webpage. You can search for '[name of the hospital], give feedback, maternity care'. Most hospitals have a dedicated webpage for providing your feedback, but not all. Some maternity services also have dedicated feedback services for bereaved parents where parents can voice their concerns.

### Making a complaint

If you have a specific complaint or concern about the care, then you have the right to raise this. The NHS constitution protects this right. But it isn't always clear how to do this.

There are both 'formal' and 'informal' processes for making a complaint. Regardless of your route, you should make your complaint within 12 months of the incident or within 12 months of discovering an issue with your care. Otherwise, it may be harder to resolve.

#### First, write it down

It is important to understand the issues you want to raise, who was involved, and what you want to be resolved. For instance, would you like an explanation of what happened? An apology? A change in procedures to ensure such incidents never happen in the future? There may be more than one issue and they may not be related – this is okay.

#### Get a copy of your medical records

You may feel it is useful to have a copy of any relevant medical records. Medical records are where the mother's and baby's medical care during pregnancy, birth and afterwards is described. The pregnancy notes are contained within the mother's medical record. Only the mother can request to see these; her partner cannot. Fathers and partners can only request to see these records with the permission of the mother. If a baby dies after birth, they will have their own medical record. The mother or father can request their baby's medical records.

You have the right to access and receive a copy of any data or supplementary information an organisation holds about you – this is known as a 'subject access request'. To obtain a copy of your or your baby's records, you need to request them from the records manager at the hospital where you received your antenatal care and your baby was born/cared for. The request can be made verbally, in a letter, or by email. You may have to fill out a form as part of this request. To find the hospital records manager, type the name of the hospital



where you were cared for and 'subject access request' into a search engine. As of 2018, the hospital cannot charge you for a copy of any medical records. It can take up to 28 days to receive them.

Your and your baby's medical records will detail what care you/your baby received, when, and who was present. Your records might have correspondence between you and the doctor(s) who cared for you, including discharge letters, test results, scan results and tissue sample results. Because these notes were written by the clinicians managing your care, you may well need help understanding them. If you are comfortable doing so, you can ask someone at the maternity or neonatal service, such as your bereavement midwife or community midwife, to explain them. If you do not want to speak with staff at the hospital about your notes, your local Maternity Voices Partnership (MVP) representative should be able to help you. We will tell you more about the role of the MVP below.

The medical notes might not match your memory of what happened, and you might want to challenge this. You can also include your recollection of events in your complaint letter.

### What you might want to complain about

Your complaint can be about anything you experienced, including:

- The care you received during pregnancy
- The care you receive during your baby's birth or delivery
- The care your baby received after they were born
- The care you received after your baby died, including bereavement care, support, or referral to emotional or mental health services.

If you are making notes, or writing down your story of what happened, try to include as much detail as possible, such as the names of the people involved in your care and any times or conversations that might not be captured in your medical notes. Things to include in your complaint might be:

- Who or what you are complaining about
- What happened, from your perspective
- Where and when the event happened
- The impact this has had on you
- If you know what outcome you would like to see

### How to make a complaint 'informally'

When you feel ready to make your complaint, you may want to begin by doing this informally. Informal complaints involve speaking to someone from the maternity service via phone or email about the issues which concern you. To ensure they take your informal complaint seriously, ensure you refer to it as a complaint and ask them what the next steps will be. Make a record of when you do this, who you speak to and what their response is. People you could contact include:



- Your community midwife,
- Your bereavement midwife,
- Your named obstetrician (a doctor who specialises in maternity and is ultimately responsible for your care),
- Your named neonatologist (a doctor who specialises in caring for newborn babies).

The maternity service will ideally try to resolve the complaint within ten working days. But some services are not always able to comply in ten days.

### The Role of Maternity Voices Partnerships

If you don't want to speak to a healthcare professional or anyone involved in your care, you could contact your local [Maternity Voices Partnership \(MVPs\)](#). Maternity Voices Partnerships are groups of women and families, doctors and hospital managers who work to improve maternity services for women and families. They can help ensure your concern reaches the attention of someone senior at the hospital, such as the Head/Director of Midwifery or a senior doctor.

### The Role of PALS

If you aren't able or do not feel comfortable speaking with an MVP, you can contact the [Patient Advice and Liaison Service \(PALS\)](#) - sometimes called the 'patient experience team' or 'concerns team'. PALS is independent of the hospital and can help you make a complaint and offer confidential advice, support and information.

## How to make a complaint formally

You might want to make a formal complaint if your informal complaint remains unresolved. But, if you wish to make a formal complaint in the first instance, you can do so at any time. You can make a formal complaint either verbally or in writing.

If you want to make a complaint verbally, you can do this by phoning the hospital's complaints service. The complaints service is different from the patient advocacy service run by PALS. Hospitals vary in what they call this department, but you should be able to find the phone number by searching '[name of hospital] complaints team phone number'. If you make a complaint verbally, the person you are making your complaint to must make a written record of your conversation and send you a written copy.

**You should ask them to send you a copy of their notes on your conversation.**

You can also make a complaint in writing. If you do this, ensure your letter includes as much information as possible about what happened, who was involved, when and where, and the impact on you. You can address your letter to the hospital's Chief Executive from where you received your care. Most NHS Trusts make the Chief Executive's email and postal address available on their website. But some do not. If the Trust doesn't make the Chief Executives' email available, you can contact PALS, which should give you the relevant contact details. You can also request that a copy of your complaint is sent to the



Head of Midwifery, the Director of Women's Services, the Director of Nursing, or the consultant obstetrician from the maternity unit where you were cared for.

If your complaint is about an individual, you can also complain to one of the professional bodies which set standards for doctors, nurses and midwives.

- To raise an issue about a doctor, you need the [General Medical Council](#)
- To raise an issue about a midwife or nurse, you need the [Nursing and Midwifery Council](#)

If your complaint is about specific hospital policies, treatments, or service, you can complain to the [Integrated Care Board](#) (you will find them listed [here](#)) that commissioned (paid for) your maternity care.

There is no time limit on how long the process of a formal complaint will take. However, if you have not heard from the hospital within six months, or if you come to the end of the complaint process and are not satisfied the hospital or Trust has adequately dealt with your complaint, you can file a complaint with their [Parliamentary and Health Service Ombudsman](#) (PHSO).

## Contacting the Parliamentary and Health Service Ombudsman

The Parliamentary and Health Service Ombudsman (PHSO) are independent of the NHS and government. They make the final decisions on complaints that the NHS has not resolved.

You can approach the PSHO once you have exhausted all options and have ended the complaints process with your local Trust. The PHSO will not accept your complaint until you have done this. You can contact the PHSO directly to make a complaint about NHS care.

## Contacting your local Member of Parliament (MP)

You can also contact your local MP to ask them to raise your concerns. MPs are often very well-connected with what's happening in their local NHS Trust, and while they can't have investigations commissioned, MPs can raise issues on your behalf or apply pressure on the Trust. If you are unsure about who your MP is, you can use the [They Work For You](#) website to find out who they are and how to contact them.

## The Independent Senior Advocate

In England, the NHS is developing a new role to support parents. The role of the Independent Senior Advocate (ISA) is to help all parents be listened to and heard by their maternity and neonatal care providers. There are twenty-two ISAs across the UK in a pilot scheme running from June 2023 for 12 months. They are employed by the NHS but are described as 'independent' of the hospital. If you think this may be helpful, ask your



bereavement midwife/key contact at your maternity unit if you are in one of the pilot sites, and if you are, how to get in touch with your local Independent Senior Advocate.

**If you would like any support or guidance to help you navigate the complaints processes, there are people and organisations to help you.**

### Healthwatch

[Healthwatch](#) can help advocate for you to ensure your healthcare provider hears your concerns. They are an independent statutory body which has the power to make sure NHS leaders and other decision-makers listen to your feedback and improve standards of care.

### POhWER

POhWER is an independent complaints advocate who can help you if you are unsure whether to make a complaint. They can also answer questions about the complaints process, including where to start. Their NHS Complaints Advocacy service is free and independent of the NHS.

### Independent Senior Advocates (ISA)

The [Independent Senior Advocate \(ISA\)](#) is a new role that helps parents, including those who are bereaved, navigate the healthcare system by supporting women and families after an adverse outcome. ISAs provide advocacy when parents have concerns about their care and can support people in navigating through formal complaint processes.

### CQC

The [CQC](#) does not deal with complaints directly. However, you can report the poor care you received. Doing so may help prevent the same thing from happening to others.

### Action against Medical Accidents

[Action against Medical Accidents \(AvMA\)](#) is a UK charity for patient safety and justice. They provide free independent advice and support to people affected by medical accidents. They have many helpful guides for making a complaint.

### Citizens Advice

[Citizens Advice](#) offers guidance on taking legal action and making a complaint about care.