

# 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. Sharing your experiences with the hospital is important. You should not feel scared or worried about sharing your feedback. Critical feedback is one of the tools hospital Trusts use 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 who has been 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 feel you need specialist mental health services ask your bereavement midwife or your GP for a referral.

## **If you would like to share your experience about your maternity care**

If you have a concern or complaint or just want to share any feedback 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)

- 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 hospital, give feedback, maternity care]. Most hospitals have a dedicated webpage for providing your feedback, but not all. Some maternity services have dedicated feedback services for bereaved parents.

## Making a complaint

If you have a specific complaint or concern about your care then you have the right to raise these. This right is protected by the NHS constitution. But it isn't always clear how to do this.

There are **'formal'** and **'informal'** processes for making a complaint.

Regardless of which route you take, you should try to make your complaint within 12 months of the incident or within 12 months of discovering there was an issue with your care, otherwise, it may be harder to resolve.

### First, write it down

To begin, it is important to try to get a clear sense of the issues you would like to raise, who was involved, and what you would like to see 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 notes

It is useful to request a copy of your medical records – you have a right to these. If your baby died after birth they will have their own medical records from the time of birth. You can request your baby's hospital medical records too. 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, you can search for them by typing '[trust name] 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.

You and your baby's medical records will detail what care you/your baby received when, and who was present at the time. Your records might have correspondence between you and the doctor(s) who cared for you, and things like 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 your community midwife to explain the detail of them to you. 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. This could be about the care:

- you received during pregnancy
- you receive during your baby's birth or delivery
- your baby received after they were born
- you received after your baby died, such as bereavement care or 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 you can, 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. This can mean speaking to someone from the maternity service either over the phone or by email. 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 specialised in caring for newborn babies).

The maternity service will try to resolve the complaint ideally within 10 working days. But when things go wrong in the NHS it is not always as quick as this.

## The role of Maternity Voices Partnerships

If you don't want to speak to a healthcare professional or indeed anyone who was involved in your care, you could contact your local Maternity Voices Partnership (MVPs). Maternity Voices Partnerships are groups of women and families, clinicians and commissioners (that commissioned (paid for) the maternity care that you received) 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, or the 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, as well as offer confidential advice, support and information.

## Making a formal complaint

You might want to make a formal 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 would like to make your complaint verbally you can do this by phoning the hospital's complaints service. This 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. **Please 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, make sure your letter includes as much information as you can about what happened, who was involved, when and where it happened, and the impact this had on you. You can address your letter to the Chief Executive of the hospital 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. In the instance that the Trust doesn't make the Chief Executives' email available, you can contact PALS which should be able to give you the appropriate 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, and/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, treatment, 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 6 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 have not been resolved by the NHS in England, UK government departments and other public organizations.

You can approach them once you have exhausted all options and have come to the end of the complaints process with your local Trust. Your complaint will not be accepted by the PHSO until you have done this. You can contact the PHSO directly to make a complaint about NHS care or you can get your local MP to make a complaint on your behalf. However, this is not necessary for complaints made about the NHS.

### **The role of 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 will be 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 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 who can help you.**

### **Healthwatch**

Healthwatch can help advocate for you to ensure that your concerns are heard by your healthcare provider. 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.

<https://www.healthwatch.co.uk/help-make-complaint>

### **POhWER**

POhWER is an independent complaints advocate which can help you if you are not sure whether to make a complaint or not. 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.

<https://www.pohwer.net/nhs-complaints-advocacy>

### **Independent Senior Advocates (ISA)**

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

### **CQC**

The CQC does not deal with complaints directly, however, you can report poor care you received. Doing so may help the same thing from happening to others. <https://www.cqc.org.uk/give-feedback-on-care?referrer=contactus>

### **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. <https://www.avma.org.uk/help-advice/guides/>

### **Campaign for Safer Births**

The Campaign for Safer Births is working to improve NHS maternity services to reduce the avoidable deaths and injuries of babies and mothers during labour. <http://www.campaignforsaferbirths.co.uk/>

### **Citizens Advice**

Citizens Advice offers guidance on taking legal action and on making a complaint about care. <https://www.citizensadvice.org.uk/law-and-courts/civil-rights/>

### **Birthrights**

Birthrights champion respectful care during pregnancy and childbirth by protecting human rights. They provide advice and information on legal rights, train doctors and midwives, and campaign to change maternity policies and systems. <https://www.birthrights.org.uk/factsheets/making-a-complaint/>