

Information for families following bereavement in our services

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Introduction

If you have experienced the death of someone close to you we hope that the following resources will be helpful to you.

We are very sorry for your loss, and we know that this can be a very difficult and distressing time.

This information aims to explain what happens next; including information about how to comment on the care your loved one received and what happens if a death will be looked into by a coroner.

It also provides details of the processes involved if you have any significant concerns about the care we provided and gives you practical advice, support and information.

Contacting us

In addition to this information, we can provide you with contact details of someone in the trust who you can approach for information and if you have any questions. Please do get in touch with them if you want to provide comments, ask questions or raise any concerns.

To request a named contact if you do not already have an established contact in the deceased's care team, please contact our Patient Advice and Liaison Service (PALs).

PALs can be contacted Monday to Friday 9am to 5pm (answerphone available)
Email: oxl-tr.pals@nhs.net
Tel: 0800 9177159 (freephone) (not free from mobile phones)

An understanding what happened

As a family member, partner, friend or carer of someone who has died whilst in the care of Oxleas NHS Foundation Trust, you may have comments, questions or concerns about the care and treatment they received. You may also want to understand more about the reasons for their death. The staff who were involved in treating your loved one should be able to answer your initial questions.

However, please do not worry if you are not ready to ask these questions straight away, or if you think of questions later - you will still have the opportunity to raise these with us when you are ready through our Patient Advice and Liaison (PALs) service.

It is also important for us to know if you don't understand any of the information we provide. Please tell us if we need to explain things more fully.

Practical information, support arrangements and counselling

We can provide you with information about bereavement support services and practical advice about the things you may need to do following bereavement.

The Gov.uk website [gov.uk/after-a-death](https://www.gov.uk/after-a-death) also provides practical information on what to do following a death.

We also know that the death of a loved one can be very traumatic for families. This can be even more so when concerns have been raised, or when a family is involved in an investigation process.

Some families have found that counselling or having someone else to talk to can be very beneficial. You may want to discuss this with your GP, who can refer you to local support.

Alternatively, there may be other local or voluntary organisations that provide counselling support that you would prefer to access.

Some examples of organisations that may be able to help you are listed (see local and national organisations) at the end of this document.

We may also be able to provide you with details of other organisations and services that provide local support, and if relevant, we would be happy to talk these through with you.

Reviews of deaths in our care

Case record reviews are carried out on all deaths of people in our care for us to continuously learn, develop and improve healthcare.

A clinician (usually a doctor or senior nurse), who was not directly involved in the care your loved one received, will look carefully at their case notes. They will look at each aspect of their care and how well it was provided.

We also carry reviews when a significant concern is raised with us about the care we provided to a patient.

We consider a concern' to mean:

- a:** any significant concerns raised by the family that cannot be answered at the time; or
- b:** anything that is not answered to the family's satisfaction or which does not reassure them.

This may happen when a death is sudden, unexpected, untoward or accidental. When a significant concern has been raised, we will undertake a case note review for your loved one and share our findings with you.

Aside from case note reviews, there are specific processes and procedures that trusts need to follow if your loved one had a learning disability; is a child; died in a maternity setting; or as a result of a domestic or mental health related homicide. If this is the case, we will provide you with the relevant details on these processes.

Investigations

In a small percentage of cases, there may be concerns that the death could be or is related to a patient safety incident. A patient safety incident is any unintended or unexpected incident, which could have, or did, lead to harm for one or more patients receiving healthcare. The purpose of a safety investigation is to find out what happened and why. This is to identify any potential learning and to reduce the risk of something similar happening to any other patients in the future.

If an investigation is to be held, we will inform you and explain the process to you. We will also ask you about how, and when, you would like to be involved. We will explain how we will include you in setting the terms of reference (the topics that will be looked at) for the investigation. Investigations may be carried out internally or by external investigators, depending on the circumstances.

In some cases, an investigation may involve more care providers than just Oxleas NHS Foundation Trust. For example, your loved one may have received care from several organisations. In these circumstances, this will be explained to you, and you will be told which organisation is acting as the lead investigator.

You will be kept up to date on the progress of the investigation and be invited to contribute. This includes incorporating your views and comments in the reports. After the final report has been signed off, we will make arrangements to meet with you to further discuss the findings of the investigation.

You may find it helpful to get independent advice about taking part in investigations and other options open to you. Some people will also benefit from having an independent advocate to accompany them to meetings. Please see details of independent organisations that may be able to help ([hyperlink to advocacy at end of document](#)). You are welcome to bring a friend, relative or advocate with you to any meetings.

Where the death of a patient is associated with an unexpected or unintended incident during a patient's care, staff must follow the Duty of Candour Regulation Policy.

[cqc.org.uk/guidanceproviders/regulationsenforcement/regulation-20-duty-candour](https://www.cqc.org.uk/guidanceproviders/regulationsenforcement/regulation-20-duty-candour)

AvMA Action Against Medical Accidents has produced information for families on Duty of Candour which is endorsed by the Care Quality Commission. [avma.org.uk](https://www.avma.org.uk)

Coroners' inquests

Some deaths are referred to the coroner, for example where the cause of death is unknown, or the death occurred in violent or unnatural circumstances. When a death is referred to the coroner they may request a post mortem examination. The coroner will then decide whether an inquest is required, to establish the cause of the death. An inquest is a 'fact finding' exercise which normally aims to determine the circumstances of someone's death.

If the death is not referred to the coroner, but you have concerns about the treatment we provided, you can ask the coroner to consider holding an inquest. It is a good idea to do this as soon as possible after your loved one has died, as delays in requesting an inquest may mean that opportunities for the coroner to hold a post mortem are lost.

We can provide you with contact details for the appropriate coroner's office:

South London coroner
admin.support@londonsouthcoroner.org.uk

Southwark Coroner
lsicoroner@southwark.gcxs.gov.uk

If you are seeking or involved in an inquest, you may wish to find further independent information, advice or support. There are details of organisations that can advise on the process, including how you can obtain legal representation (hyperlink to advocacy at end of document).

Providing feedback, raising concerns and/or making a complaint

Providing feedback: We want to hear your thoughts about your loved one's care. Receiving feedback from families helps us to understand (i) the things we are doing right and need to continue; and (ii) the things we need to improve upon.

Raising concerns: It is also very important to us that you feel able to ask any questions or raise any concerns regarding the care your loved one received. In the first instance, the team that cared for your loved one should be able to respond to these. After this, our Patient Advice Liaison (PALs) Service will be able to help and arrange for you to speak with someone who can answer your questions.

Making a complaint: We hope that we will be able to respond to any questions or concerns that you have. Additionally you can raise concerns as a complaint, at any point. If you do this we will ensure that we respond, in an accessible format (followed by a response in writing where appropriate to your needs), to the issues you have raised.

The NHS Complaints Regulations (legislation.gov.uk/uksi/2009/309/pdfs/uksi_20090309_en.pdf) state a complaint must be made within 12 months of the incident happening or within 12 months of you realising you have something to complain about.

However, if you have a reason for not complaining to us sooner we will review your complaint and decide whether it would still be possible to fairly and reasonably investigate.

If we decide not to investigate in these circumstances you can contact the Parliamentary and Health Service Ombudsman (PHSO) via [ombudsman.org.uk](https://www.ombudsman.org.uk).

Please note you do not have to wait until an investigation is complete before you complain - both processes can be carried out at the same time. For example, a complaint can trigger an investigation, if it brings to light problems in the care that were not previously known about. However, if both the complaint and investigation are looking at similar issues, a complaint could be paused until the associated investigation is complete.

If you are not happy with the response to a complaint, you have the right to refer the case to the Parliamentary and Health Service Ombudsman. PHSO has produced 'My expectations for raising concerns and complaints for users of health services, it sets out what they should expect from the complaints process.

[ombudsman.org.uk/publications/my-expectations-raising-concerns-and-complaints](https://www.ombudsman.org.uk/publications/my-expectations-raising-concerns-and-complaints)

Please see the frequently asked questions section at the end of this leaflet for more information on what to do if you are not happy with the responses you receive from us.

Independent information, advice and advocacy

If you raise any concerns regarding the treatment we gave your loved one, we will provide you with information and support; and do our best to answer the questions you have. However, we understand that it can be very helpful for you to have independent advice. We have included details below of where you can find independent specialist advice to support an investigation into your concerns. These organisations can also help ensure that medical or legal terms are explained to you.

Some of the independent organisations may be able to find you an 'advocate' if you need support when attending meetings. They may also direct you to other advocacy organisations that have more experience of working with certain groups of people, such as people with learning disabilities, mental health issues, or other specialist needs.

The list below does not include every organisation but the ones listed should either be able to help you themselves, or refer you to other specialist organisations best suited to addressing your needs.

In addition all local authorities (councils) should provide an independent health complaints advocacy service, which is independent of the trust, that people can access free of charge.

If you would like to use this service, please contact them via:

Bexley
advocacyforall.org.uk/nhs.php

Bromley and Kent
seap.org.uk/services/nhs-complaints-advocacy

Greenwich
pohwer.net

Local/regional organisations

- **South East Advocacy Projects**
Provides a range of general advocacy services across the south of England. seap.org.uk
- **East Advocacy for All:**
Provides general advocacy services in Bexley and Kent and independent health complaints advocacy in Bexley and Kent
- **POhWER:** Offers general advocacy services in the south and independent health complaints advocacy to support people to complain about NHS services in many London boroughs, including Greenwich. pohwer.net

National organisations

- **Action against Medical Accidents ('AvMA'):**
An independent national charity that specialises in advising people who have been affected by lapses in patient safety ('medical accidents'). It offers free advice on NHS investigations; complaints; inquests; health professional regulation and

legal action regarding clinical negligence. Most advice is provided via its helpline or in writing but individual 'advocacy' may also be arranged. It can also refer to other specialist sources of advice, support and advocacy or specialist solicitors where appropriate.

avma.org.uk

0845 123 23 45

- **Advocacy after Fatal Domestic Abuse:** Specialises in guiding families through inquiries including domestic homicide reviews and mental health reviews, and assists with and represents on inquests, Independent Office for Police Conduct (IPOCC) inquiries and other reviews.

aafda.org.uk

07768 386 922

- **Child Bereavement UK:**
Supports families and educates professionals when a baby or child of any age dies or is dying, or when a child or young person (up to age 25) is facing bereavement. This includes supporting adults to support a bereaved child or young person. All support

- is free, confidential, has no time limit, and includes face to face sessions and booked telephone support.
childbereavementuk.org
0800 028 8840
- **Child Death Helpline:** Provides a freephone helpline for anyone affected by a child's death, from pre-birth to the death of an adult child, however recently or long ago and whatever the circumstances of the death. There is a translation service to support those for whom English is not a first language. Volunteers who staff the helpline are all bereaved parents, although supported and trained by professionals.
childdeathhelpline.org.uk
0808 800 6017
 - **Cruse Bereavement Care:** Offers free confidential support for adults and children when someone dies. Contact by telephone, email or face-to-face.
cruse.org.uk
0808 808 1677
 - **Hundred Families:** Offers support, information and practical advice for families bereaved by people with mental health problems, including information on health service investigations.
hundredfamilies.org
 - **INQUEST:** Provides free and independent advice to bereaved families on investigations, inquests and other legal processes following a death in custody and detention. This includes deaths in mental health settings. Further information is available on its website including a link to 'The INQUEST Handbook: A Guide For Bereaved Families, Friends and Advisors'.
inquest.org.uk
020 726 3111 option 1
 - **National Survivor User Network:** Is developing a network of mental health service users and survivors to strengthen user voice and campaign for improvements. It also has a useful page of links to user groups and organisations that offer counselling and support.
nsun.org.uk

- **Patients Association:** Provides advice, support and guidance to family members with a national helpline providing specialist information, advice and signposting. This does not include medical or legal advice. It can also help you make a complaint to the CQC.
patients-association.org.uk
020 8423 8999
- **Respond:** Supports people with learning disabilities and their families and supporters to lessen the effect of trauma and abuse, through psychotherapy, advocacy and campaigning.
respond.org
- **Sands:** Supports those affected by the death of a baby before, during and shortly after birth, providing a bereavement support helpline, a network of support groups, an online forum and message board.
sands.org.uk
0808 164 3332
- **Support after Suicide Partnership:** Provides helpful resources for those bereaved by suicide and signposting to local support groups and organisations.
supportaftersuicide.org.uk
- **Papyrus:** Provides helpful information and detail of support after suicide:
papyrus-uk.org/supportorganisations/
- **Compassionate Friends:** Provides support for all families bereaved after the death of a child or children:
0845 123 2304
Open 10am to 4pm and 7pm to 10pm daily

Acknowledgement and thanks

The NHS is very grateful to everyone who has contributed to the development of this information. In particular, they would like to thank all of the families who very kindly shared their experiences, expertise and feedback to help develop this resource.

This information has been produced in parallel with 'Learning from Deaths - Guidance for NHS trusts on working with bereaved families and carers', which can be found at ([england.nhs.uk/LfDinvolvingfamilies](https://www.england.nhs.uk/learningfromdeaths/))

Future updates to this information

Please note that this information will be updated in the future as a result of expected new guidance and processes. These include:

- The outcome of the consultation on the Serious Incident Framework.
- The implementation of the role of the Medical Examiner.
- Guidance on Child Death Reviews.
- The ambition in the original CQC report 'Learning from Deaths' to include all providers of NHS commissioned care, including primary care.
- Further policy developments that may be of relevance.

Frequently Asked Questions (FAQ)

What should I do if I have concerns about my relative/friend's treatment contributing to their death?

Please speak to your named contact at the trust; the staff involved in the treatment of your loved one; or the Patient Advice and Liaison Service (PALs). If necessary, you can ask for an investigation. You can also make a formal complaint, either to the trust directly or to the relevant clinical commissioning group (CCG) – please see overleaf for more information.

Who orders a post mortem or inquest?

In some cases we refer deaths to the coroner and in some cases the coroner may then order a post mortem to find out how the person died. Legally, a post mortem must be carried out if the cause of death is potentially unnatural or unknown. The coroner knows this can be a very difficult situation for families and will only carry out a post mortem

after careful consideration. A family can appeal this in writing to the coroner, giving their reasons, and should let the coroner know they intend to do this as soon as possible. However, a coroner makes the final decision, and if necessary, can order a post mortem even when a family does not agree. Please note that the body of your loved one will not be released for burial until it is completed, although a coroner will do their best to minimise any delay to funeral arrangements. You speak directly to the local coroner's office about having a postmortem and/or inquest.

What should I do if I think the treatment was negligent and deserving of compensation?

Neither patient safety investigations nor complaints will establish liability or deal with compensation, but they can help you decide what to do next. You may wish to seek independent advice from Action against Medical Accidents (see the section on 'Independent information, advice and advocacy'). They can put you

in touch with a specialist lawyer if appropriate. Please note: There is a three-year limitation period for taking legal action.

What should I do if I think individual health professionals' poor practice contributed to the death and remains a risk to other patients?

Lapses in patient safety are almost always due to system failures rather than individuals. However, you may be concerned that individual health professionals contributed to the death of your loved one and remain a risk. If this is the case, you can raise your concerns with us or go directly to one of the independent health professional regulators listed below.

Where can I get independent advice and support about raising concerns?

Please see the section on independent information, advice and advocacy, which details a range of organisations. Other local organisations may also be able to help.

Other organisations that may be of help

- **Clinical commissioning groups (CCGs):** Clinical commissioning groups pay for and monitor services provided by NHS trusts. Complaints can be made to the relevant CCG instead of the trust, if you prefer. Please ask us for contact details of the relevant CCG(s) or england.nhs.uk/ccg-details
- **Parliamentary and Health Service Ombudsman (PHSO):** The PHSO make final decisions on complaints that have not been resolved by the NHS in England and UK government departments. They share findings from their casework to help parliament scrutinise public service providers. They also share their findings more widely to help drive improvements in public services and complaint handling. If you are not satisfied with the response to a complaint, you can ask the PHSO to investigate. ombudsman.org.uk
0345 015 4033
- **Care Quality Commission (CQC):** The CQC is the regulator for health and social care in England. The CQC is interested in hearing about concerns as general intelligence on the quality of services, but please note that they do not investigate individual complaints. cqc.org.uk
- **National Reporting and Learning System (NRLS):** Members of the public can report patient safety incidents to the NRLS. This is a database of incidents administered by NHS Improvement, which is used to identify patient safety issues that need to be addressed.

Please note though that reports are not investigated or responded to. improvement.nhs.uk/resources/report-patientsafety-incident/
- **NHS England – Specialised Services:** Specialised services support people with a range of rare and complex conditions. They often involve treatments

provided to patients with rare cancers, genetic disorders or complex medical or surgical conditions. Unlike most healthcare, which is planned and arranged locally, specialised services are planned nationally and regionally by NHS England. If you wish to raise a concern regarding any specialised services commissioned in your area, please contact NHS England's contact centre in the first instance.

england.contactus@nhs.net
0300 311 22 33

- **Nursing and Midwifery**

Council (NMC): The NMC is the nursing and midwifery regulator for England, Wales, Scotland and Northern Ireland. It has introduced a new Public Support Service that puts patients, families and the public at the centre of their work. The service is already providing support and a full service has been up and running since autumn 2018. More information can be found within the 'Concerns about nurses or midwives' section on their website:

nmc.org.uk

- **General Medical Council (GMC):** The GMC maintains the official register of medical practitioners within the United Kingdom. Its statutory purpose is to protect, promote and maintain the health and safety of the public. It controls entry to the register, and suspends or removes members when necessary. Its website includes 'Guides for patients and the public', which will help you decide which organisation is best placed to help you. More information can be found within the 'Concerns' section at: gmc-uk.org

- **Healthcare Safety Investigations Branch (HSIB):**

HSIB's purpose is to improve safety through effective and independent investigations that don't apportion blame or liability. HSIB's investigations are for patient safety learning purposes. Anyone can share cases with HSIB for potential investigation (but an investigation is not guaranteed).

hsib.org.uk

Confidentiality

All staff abide by a strict code of conduct on confidentiality and only share information in order to provide good quality care. We usually discuss this with you first.

Your opinion matters

We welcome your views on the services we provide. PALS is a free, confidential service which helps patients, families and carers deal with any concerns about our treatment and care.

Monday to Friday 9am to 5pm
(answerphone available)

Email: oxl-tr.pals@nhs.net

Tel: 0800 9177159 (freephone)

(not free from mobile phones)

Raising concerns

Your complaints, comments and suggestions help us improve the services we provide.

Email: oxl-tr.complaints@nhs.net

Tel: 01322 625751

Accessible information

If you'd like information in your own language, large print, audio or other formats, we can arrange this. Please speak to a member of staff.

Oxleas NHS Foundation Trust

Pinewood House

Pinewood Place

Dartford

Kent DA2 7WG

Tel: 01322 625700



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oxleas.nhs.uk



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