Important Information

Are you concerned about something that is happening now?

You may wish to speak to a member of staff directly involved with your treatment, or their manager. This is often the quickest way to put things right and stop them getting worse.

Alternatively, you may wish speak to the Patient Advice and Liaison Service (PALS) - PALS provides information, advice and support to patients, families and their carers and may be able to get answers to your questions quickly. PALS is run by NHS staff. For more information contact your local hospital trust.

If your issue has not been addressed, you can speak to POhWER about your complaint.

POhWER can support you at any stage of the process.
Do you need to make a complaint?

The NHS complaints procedure can be followed if you want to complain about any aspect of NHS treatment or care. This includes when:

• you feel that concerns have not been fully resolved
• what happened raises serious questions about standards of care
• the issues involved concern more than one organisation

This booklet will tell you what the NHS complaints procedure does and doesn’t cover and will help you to understand how it works.

Most people are happy with the care they receive from the NHS, but sometimes things don’t go as expected.

Everyone has a right to complain if they feel something did not go as expected, and the NHS has a complaints procedure which can help you to get the answers and explanations you may have been seeking.

This booklet is intended to give you a straightforward description of the NHS complaints procedure and provides some tips about how to use it.

You can use this document to help you make a complaint by yourself or you can refer to it as you work through your complaint with your POhWER advocate.
If you want to find out more about 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 using our website www.pohwer.net or the Department of Health website www.dh.gov.uk.

You can also contact your local Healthwatch. Healthwatch England is the new, independent consumer champion for health and social care in England. Their job is to argue for the consumer interest of all those who use health and social care services. To find out more you can visit their website http://www.healthwatch.co.uk/

POhWER is the provider of NHS Complaints Advocacy in many areas in England. Details of the areas covered by POhWER can be found on the website www.pohwer.net or by calling us on 0300 456 2370 (charged at a local rate)

If you want to complain about an NHS service outside of these areas we will signpost you to your local NHS Complaints Advocacy provider.
What is covered by the NHS complaints procedure?

The NHS complaints procedure applies to all services provided or funded by the NHS including: GPs, hospitals, pharmacies, opticians, dentists and the ambulance service. 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.

What is NOT covered by the NHS complaints procedure?

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

- Social care alone or other services provided by the council
- Privately funded health, nursing home or home based care
- Personnel matters, such as getting staff disciplined
- Legal issues and claims for compensation
- Contractual matters and consultations about service changes

There is more information about what to do in these circumstances at the back of this booklet.
Who do I complain to?

In general, if your complaint is about an NHS Trust such as a hospital, a mental health service provider, a community services provider or ambulance service, contact the Complaints Manager or the Chief Executive.

You may want to obtain a copy of the local complaints procedure from the service provider as this will set out who is responsible for what and how the system works locally. The person providing your care should be able to give you details of the complaints process or information about the right person to contact. Alternatively you can ring the organisation and ask to speak to the person who handles complaints or look on their website for information.

If you want to make a complaint you can complain directly to the provider of the service. This means you can complain directly to the GP Practice, Dental Practice, Optical Practice, Pharmacy or Hospital Trust. Your complaint should be addressed to the Practice Manager or Chief Executive.

If you don’t want to complain directly to the provider of the service you can direct your complaint to the commissioner of the service instead. This means for a complaint about a GP you can sometimes complain to the Clinical Commissioning Group (CCG). CCGs commission hospital services, mental health services, out of hours services and 111. For information on your local CCGs visit www.england.nhs.uk
Alternatively you can send your complaint to NHS England who also commission Primary Care Services including GPs, Dentists, Opticians and Pharmacies. Send your complaint to: NHS England, PO BOX 16738, Redditch, B979PT

If your complaint is about an independent NHS contractor e.g. a clini-centre or a service provided for NHS patients in a privately run facility, ask them for details of how to make a complaint or approach the relevant commissioner. The organisation you wish to complain about should be able to tell you who this is.

If you have difficulty finding out about the local process, contact us and we will help you. If you can, it is usually best to make your complaint in writing - by letter or email. You can raise a complaint verbally by asking to talk to the Complaints Manager either in person or on the telephone. The Complaints Manager should make arrangements for a written record of your complaint to be made and a copy should be provided to you.

If you need help to write a letter, please contact POhWER and you will be allocated an advocate who will contact you.
Who can complain?

You may complain about your own care and treatment or a service failure that has affected you. You can also complain on behalf of:

- Someone who has died
- A child
- Someone who cannot complain for themselves because of
  - Physical incapacity
  - Lack of capacity within the meaning of the Mental Capacity Act 2005
  - Someone who has asked you to do so provided they give their consent

If you wish to make a complaint on behalf of a child, the organisation can only consider the complaint if they are satisfied that there are reasonable grounds for you to make the complaint instead of the child themselves. If they are not satisfied, the organisation must notify you in writing, and state the reason for their decision. In addition the organisation has to be satisfied that the complaint is in the best interests of the child. Similarly, the organisation has to be sure that complaints are made on behalf of people who lack mental capacity in their best interests. If they decide not to investigate the complaint they must let you know this and the reasons why in writing.
What to expect from the complaints procedure:

The NHS Constitution says you have the right to:

• Have your complaint dealt with efficiently and for your complaint to be properly investigated
• Know the outcome of any investigation into your complaint
• Take your complaint to the Parliamentary and Health Service Ombudsman if you’re not satisfied with the way the NHS has dealt with your complaint

To view the NHS Constitution please visit: www.gov.uk/government/publications/the-nhs-constitution-for-england

The Parliamentary and Health Service Ombudsman has also set out principles that she believes public bodies should adopt when delivering good customer service and when things go wrong.

If you refer your complaint to the Ombudsman, she will use these principles in considering your case. You can find the principles on the Ombudsman’s website www.ombudsman.org.uk.
Using the complaints process

If you have decided that you wish to make a complaint, then you will need to understand the stages in the complaints process.

The Complaints Manager for the service you want to complain about should be able to explain exactly how the system works locally, but generally you should expect the following:

• Your complaint should be acknowledged within three working days

• The organisation should offer to discuss your complaint and arrange a plan to resolve your concerns with you. They should agree with you a timescale for resolving your issues and how they will keep you informed of progress

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

• There should be an investigation into the issues you have raised

• They should help you to understand the complaints procedure and offer information on where to obtain such assistance, for example, your local Health Complaints Advocacy provider
Once the investigation is complete the organisation should write to you to inform you of their findings, they might also offer you a meeting to discuss them. If a meeting is held, they should write to you afterwards with their findings and any agreements you have reached.

The organisation should provide a complaint response letter that includes:
- A summary of your complaint
- What the investigation found
- What to do if you are still unhappy with the answers given

Depending on what the investigation found, the letter may also contain:
- An apology, if appropriate
- An explanation of what action will be taken as a result of your complaint, who is responsible for this action and when it will be completed
- What steps have been taken to prevent the same thing happening again to other people, if appropriate

The letter should be:
- Balanced, factual and impartial
- Clear and easy to understand

If you haven’t received this letter within the timescale agreed in the plan you may want to ring or write to check when you can expect to receive it. Organisations are encouraged to review complaints that have lasted more than six months to ensure that everything is being done to resolve them.
If you haven’t received a response letter within six months of your original complaint and the organisation has not agreed a longer time frame with you, you may wish to refer your complaint to the Parliamentary and Health Service Ombudsman.

Other features of the complaints procedure

A Local Resolution Meeting: The Complaints Manager may suggest that a meeting to discuss your complaint might be helpful before coming to a conclusion.

Local Resolution Meetings are usually held at the organisation which the complaint is about, for example at the hospital or GP surgery, but the venue should be suitable for you and you can discuss this when the meeting is being arranged.

Sometimes the staff who have been complained about are present for the meeting and sometimes supervisory staff/heads of departments are present instead. If you would like specific members of staff to be present for the meeting you can make this request to the organisation in advance. You can also request that a particular member of staff is not present.

You can take a family member or friend with you to the meeting to provide support but let the organisation know in advance. You do not have to attend a meeting if you do not want to, but it is usually helpful to do so. The meeting is a two-way process and is intended to help to resolve your complaint. You should let the organiser know if you want to make a recording so that arrangements can be made.
You are more likely to find the meeting helpful if you take some time to prepare in advance. Make notes of any key points you want to make and take with you any information that you want to refer to.

If you would like more information about Local Resolution Meetings or would like an advocate to accompany you to a meeting please contact us.

At the meeting:

• There should be a chair that is responsible for managing the meeting and making sure that all the issues are discussed. This is often the person responsible for investigating the complaint - e.g. the Practice Manager, or for larger organisations, it could be the Complaints Manager

• Introductions should be made

• A formal record of the meeting should be kept - either notes should be taken or a recording made. You should be asked for your permission if the meeting is going to be recorded. You should be given or sent a copy of the recording or meeting notes following the meeting. If you wish to record the meeting, you should notify the organiser beforehand

• Try to remain calm

• Ask people to repeat points or explain again if you do not understand something
• Ask for a break if you feel you need one during the meeting

• You may also want to ask for the meeting to be stopped and reconvened at another time if you feel too distressed to carry on

• You should be informed of any actions which have been agreed at the meeting

• The next contact with you should be agreed

Some organisations use conciliation or mediation services (these are paid for by the service provider). A conciliator/mediator is a neutral and independent person who can arrange a meeting with you and those involved in the complaint investigation (either separately or together) so you can all express your views and try to resolve your differences. A conciliator will only become involved if everyone affected agrees. The conciliation process is confidential and should be explained to you so that you can decide whether this is something you wish to participate in.
What if I am unhappy with the final response to my complaint?

If you do not feel you have had an adequate response to your complaint you have the right to take your complaint to the Parliamentary and Health Service Ombudsman (the Ombudsman). Unless there are special circumstances, as a rule the Ombudsman will only accept a case if she feels that every effort has been made to resolve the matter locally.

Before taking your complaint to the Ombudsman therefore, it is worth considering the following options:

- Write another letter to the organisation explaining what you think has not been covered
- Call the person handling your complaint and explain why you are still unhappy
- Request a meeting to discuss your outstanding concerns

Further investigation into your complaint may be carried out. Again, the organisation should contact you to agree a plan for doing this, including timescales.

Once the organisation you are complaining about feels that it has done everything it can to answer your complaint it should advise you of that in writing. This will mark the end of the local part of the complaints procedure and you can then refer your complaint to the Ombudsman if you remain dissatisfied.
What happens if I decide to take my complaint to the Parliamentary and Health Service Ombudsman?

If you are not satisfied with the way your complaint has been dealt with by the organisation concerned and feel that you have done everything possible to resolve your complaint at local level, you have the right to take your complaint to the Parliamentary and Health Service Ombudsman.

If your complaint also relates to social care, the Parliamentary and Health Service Ombudsman can work with the Local Government Ombudsman to consider all aspects of your complaint.

The Parliamentary and Health Service Ombudsman and the Local Government Ombudsman are independent of the NHS, local authorities and of government. These services are confidential and free.

Timescales for referring a complaint

The Ombudsman will not normally consider complaints that fall outside the timescale for NHS complaints. You can contact them for advice. Their details are at www.ombudsman.org.uk

If there is good reason, the Ombudsman may extend this time limit, for example, if you have been unwell or unable to make a complaint until this point in time.
Process for referring a complaint

The Ombudsman will not investigate a complaint just because you do not agree with a decision made by the organisation. You will need to offer evidence as to why their decision is wrong or unsatisfactory.

The form available on the Parliamentary and Health Service Ombudsman’s website will help you to make your complaint and you should send copies of any supporting documentation that will help the Ombudsman to understand why you feel dissatisfied.

If you would like help in completing the Ombudsman form, please contact POhWER and you will be allocated a local advocate who will contact you.

Alternatively, you can contact the Parliamentary and Health Service Ombudsman directly through their helpline: 0345 015 4033.
Consent and Monitoring Forms

Pull out the centrefold pages (18, 19, 20, 21 & 22), complete and return to POhWER
Large Print Consent Form

*This section is to be completed by the Client.*

Client Name:

Client Address:

Client Telephone Number:

Client Email address:

I, the client, give consent to POhWER as the Provider of the NHS Complaints Advocacy Service to undertake work on my behalf and to contact any relevant parties should I request it.

(in signing the consent form you accept that if you should instruct POhWER to contact another party on your behalf that it may be necessary for a copy of this form to be viewed by that party to make evident that POhWER has been granted consent to act in this case.)

I understand that all information* that POhWER receives will be strictly confidential to POhWER and myself as POhWER’s client. I will also see all information POhWER receives on my behalf.

*Your personal details will remain strictly confidential to POhWER, however, anonymous details of your case will be added to our recorded statistics which may be shared with other relevant organisations to assist in the performance monitoring of the NHS.*
This section is to be completed by the Patient.

I, the Patient, give consent to the above named person as POhWER’s Client to act on my behalf in this matter.

(This section is only to be completed if the client is not the patient and has been nominated by the patient to act on their behalf. Patient consent for the Client is not necessary if the patient is under the guardianship of the Client or is unable to act in the complaint.)

Patient Signature:

Patient Name (Print):

Date:

Please contact your local POhWER office if you have any questions about this form.
POhWER believes that everyone is important and should be treated fairly and equally and that nobody should face discrimination because of their ethnic origin, class, sex, sexuality, age, illness, disability, beliefs or chosen lifestyle.

We are often asked by our commissioners to advise them about the people who are using the services that we deliver. Completion of this form is voluntary and you are always welcome to complete as much or as little of the form as you like.

### Ethnicity

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<th>Mixed Heritage</th>
<th>Other Ethnic Group</th>
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<td>White and Asian</td>
<td>Rather not say</td>
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<td>Chinese</td>
<td>White and Black Caribbean</td>
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<td>Gypsy or Irish Traveller</td>
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<tr>
<td>Other White</td>
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Age

0-18 □  18-34 □  35-64 □  64+ □
Rather Not Say □

Gender

Female □  Male □  Transgender □
Rather Not Say □

Religion

No Religion □  Buddhist □  Christian □
Hindu □  Jewish □  Muslim □  Sikh □
Other □  Rather Not Say □

Sexual Orientation

Bisexual □  Gay Male □  Heterosexual □
Lesbian Woman □  Other □  Rather Not Say □
Client - please tick all that apply to you

- Acquired Brain Injury
- Autism / Aspergers
- Carer
- Dementia
- Learning Difficulty / Disabilities
- Long Term Illness / Condition
- Mental Health Illness / Condition
- Cancer
- Older Person
- Prisoner
- Physical Disabilities
- Sensory Impairment - Hearing
- Sensory Impairment - Vision
- Stroke
- Substance Misuse
- Rather Not Say
What happens once the Ombudsman receives your complaint?

The Ombudsman’s service will look at every complaint but it is up to the Ombudsman to decide which cases will be investigated. Normally cases will not be investigated unless all reasonable attempts have been made to resolve the problem using local resolution. The same rules as those used in the NHS apply if you are complaining to the Ombudsman on behalf of someone else.

The Ombudsman’s service can refer your complaint back to the NHS if it is felt that you have gone to the Ombudsman too soon, or if it is felt that the organisation involved has not done all it can to resolve your issues locally.

The Ombudsman’s office will not usually investigate a complaint where:

• There is no evidence to suggest that the organisation or practitioner acted incorrectly
• The organisation or practitioner has done all that they reasonably can to put things right
• There would not be a worthwhile outcome from an investigation. (for example, if the remedy you are seeking cannot be achieved)

A member of the Ombudsman’s staff will consider whether your case meets the Ombudsman’s criteria for investigation.
You will be contacted if they need to see clinical records and other papers related to your complaint to decide whether or not they can investigate. A member of the Ombudsman’s staff will contact you to let you know the outcome of the assessment.

If the Ombudsman decides to accept your complaint for investigation the complaint will be allocated to a case manager. They will conduct a full investigation and will remain in regular contact with you to update you about progress.

The case manager will request the complaint file from the organisation and will use the information which you have provided and any reports from the Ombudsman’s own clinical advisors (if your complaint is about clinical care) as part of the investigation.

Once the investigation is complete the case manager will write a detailed report outlining the findings of their investigation. The report will state whether your complaint has been upheld, partially upheld or not upheld.

If the Ombudsman’s office 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 timeframe.
The Ombudsman has a review process which you can use if you do not agree with the Ombudsman’s decision not to accept your case or if you think the Ombudsman’s investigation is not satisfactory. However, once you have completed this stage you have exhausted the complaints process and the Ombudsman’s decision about your complaint will be regarded as final.

If you wish to make a further challenge, you will need to take legal advice.

We have supported many thousands of people through the NHS complaints procedure. Below are some tips that will help you through the process. Before you write a letter or make a phone call, decide what it is you are unhappy about.

This could include:
- Treatment, care or service
- The attitude of staff
- Poor communication
- Waiting times
- Lack of information
- Failure to diagnose a condition
- Medication problems
- Poor handling of your complaint

Think about how you were affected by what went wrong and the impact it has had on you and your family.
Think about what you want to achieve by making a complaint. For example, you might want:
- An explanation of what happened
- An apology
- Changes to be made, so that the same thing will not happen to anyone else

Make a note of your thoughts so that you can refer to them when you make your complaint.

By setting out your case clearly you improve the chances of your complaint being resolved quickly.

It helps if you:
- Focus on the main issues that you want investigated rather than any minor concerns
- Make sure you raise everything that you are unhappy about
- Give clear information about what happened, introducing new issues later can cause delay and may have to be treated as a new complaint
- Are clear about what has upset you and how it has affected you, but avoid aggressive or accusing language
- Are clear and realistic about what you want to happen as a result of your complaint
- Use short sentences and try to avoid repeating yourself
- Include any relevant documents

Remember to include:
- Your name, address and any contact details
- That you are making a complaint under the NHS complaints procedure
Once you have started the complaints process it may be helpful to keep a record of any telephone calls you make or letters you write or receive about your complaint. It is also advisable to send letters by recorded delivery.

If you have received a copy of your patient records and you have concerns it may be worth:

• Asking if any part of your records has not been made available if there seems to be gaps
• Contacting the Trust or your GP for help to understand the record

If you think your records are inaccurate, you can ask for a correction to be inserted. You are entitled to a copy of the amended record free of charge.
Data Protection Information Commissioner

If you have a problem accessing your medical records you can contact the Data Protection Information Commissioner. You can contact them on their helpline 0303 123 1113 (local rate) or if you prefer to use a national rate number 01625 545 745.

When you are making a complaint it may be useful to look at your records. Patient records include:
• GP, hospital and other NHS staff records
• Details of visits, treatments, medication, tests and their results, diagnosis and referrals

Under the Data Protection Act 2018, you have a right to see your records, unless your doctor thinks that to do so would seriously harm you or another person. There are different ways of viewing your records and, depending on what you require and how your records are stored, there may be a charge. Under certain circumstances you can apply to see someone else’s medical records. There is further detail about accessing medical records at: www.nhs.uk/nhsengland/thenhs/records/healthrecords/pages/whattodo.aspx

If you have a problem accessing your medical records you can contact the Data Protection Information Commissioner. You can contact them on their helpline 0303 123 1113 (local rate) or if you prefer to use a national rate number 01625 545 745. If you would like us to send you information on accessing records please get in touch.
General guidelines to writing a complaint letter

If your complaint is about a Trust or Clinical Commissioning Group (CCG) the letter should be addressed to the Chief Executive. You do not need to put the name of the Chief Executive.

For a GP or Dental Practice, the letter should go to the Complaints Lead at the practice. (You could also choose to send a copy to the Chief Executive of the CCG which the practice is a part of). Alternatively, you can write to NHS England about GPs, Dentists, Opticians, Pharmacies and some specialist services.

If you are not clear where to send your complaint, whether to an NHS Trust, a CCG or a Practice (usually medical or dental), ask for advice from POhWER NHS Complaints Advocacy, PALS or the Complaints Department of any NHS service. If you get it wrong and send it to the wrong place, that part of the NHS should pass it on to the correct part, so don’t worry. It is confusing, and you cannot be expected to keep up with all the changes in the NHS, or know who is responsible for what.

If your complaint involves a service that is provided in partnership with the NHS, such as Social Services, you can ask for the NHS service to take the lead in this and request that you receive one coordinated response for all aspects of your complaint. If you need more advice do not hesitate to contact POhWER NHS Complaints Advocacy.
The letter should clearly outline your complaint and ask for it to be investigated under the NHS Complaints Procedure. If you are writing on behalf of someone else who is a patient, rather than for yourself, you must show that you have the patient’s permission (we have included a consent form in this pack which you could use).

Expect the NHS service to acknowledge your letter in 3 working days from when they receive it. Acknowledgment can be made verbally or in writing, so remember to allow time for postage. The NHS service should let you know how long they expect the complaint investigation to take, and therefore how long it will be before the response is sent to you.

If they are not able to meet this date, you should then receive an explanation of the delay in a ‘holding’ letter. It is reasonable to chase up the response if you hear nothing by the expected date.
Example Complaint letter

[Client Name]
[Client Address]
[Telephone number(s)]
[Email address]

Chief Executive
Trust address

Date:

Dear [Name]

Formal complaint to [XXXXX Practice/Trust] - NHS Complaints Advocacy Service Client Reference [insert number]

Patient name: [insert name]       DOB: [insert date of birth]

I am writing to complain about [insert overview of complaint – try to avoid too much detail]

In order to help me understand what your practice’s/Trust’s procedure or guidance is in circumstances like mine, could I ask you to send me a copy of your policy/guidance/procedure around:

1. Policy
2. Guidance
3. Procedure

I would like the following points addressed in the response to my complaint.

1. Why?
2. Why?
3. Why?
Along with answers to my questions, I would very much like a:
1. Review of ........
2. Explanation for......
3. Apology from ........for
4. To know what arrangements will be put in place........

I look forward to receiving an acknowledgement of my complaint letter in writing/by telephone.

I would like you to carry out a full investigation into my concerns and provide a written response/have a meeting with me to discuss the findings in accordance with the NHS Complaints Procedure.

I would be grateful if you could send copies of all correspondence to my Independent Advocate – Xxxxx Xxxxxxx either in writing at POhWER, PO Box 14043, Birmingham, B6 9BL, or by email at pohwer@pohwer.net

Xxxxx Xxxxxxx is supporting me with this complaint and I give my consent to your discussing my complaint with POhWER, under the remit of the NHS Complaints Advocacy Service. My POhWER Client ID number is: xxxxx

I look forward to hearing from you shortly.

Yours sincerely

Name of client

cc Advocate Name
What to do about matters not covered by the NHS complaints procedure

Compensation for clinical negligence or other legal claim

If you are seeking compensation then you will need to seek legal advice.

- You need to speak to a solicitor who specialises in medical or clinical negligence
- There are time limits for making a legal claim and it is best to contact a solicitor as soon as possible

You can find information on local solicitors from the law society: [www.thelawsociety.co.uk](http://www.thelawsociety.co.uk)

If you need further contact details please contact us.

Disciplinary action against a member of staff

The NHS Complaints Procedure cannot be used for personnel matters such as obtaining disciplinary action against a member of NHS staff. If you want NHS staff to be disciplined there is a separate procedure for that.

The Complaints Manager will be able to advise you about local procedures. It may also be helpful to contact the relevant professional regulatory body. If you need further details about this please contact us.
Complaining about social care or council services

You will need to contact your local authority or visit their website to find out about their complaints procedure.

Contractual or commercial matters

The complaints process can not be used in commercial or contractual disputes. You may wish to seek legal advice.
For more information about this or any of our other services please contact us:

📞 Telephone: 0300 456 2370  
(Monday to Friday - 8am to 6pm)

📟 Text: send the word pohwer with your name and number to 81025

📧 Email: pohwer@pohwer.net

_skype: pohwer.advocacy (8am-6pm)

📠 Fax: 0300 456 2365

✉ Post: POhWER, PO Box 14043, Birmingham, B6 9BL

For more information visit our website at www.pohwer.net

Follow us on Twitter
@POhWERadvocacy

Like us on Facebook
@pohwer.net

Registered Charity Number - 1061543
Company Number - 3323040

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