



Factsheet 66

Resolving problems and making a complaint about NHS care

December 2023

About this factsheet

The factsheet explains how to make a complaint about NHS services, including situations where your complaint covers both NHS and social care services. There is also information about other health-related complaints you might want to make.

It describes support available to help you, what to expect when your complaint is investigated, and what you can do if dissatisfied with the outcome.

You may find the following factsheets useful when raising concerns or complaints about services: factsheet 59, *How to resolve problems and complain about social care*, and factsheet 79, *Equality, discrimination and the Public Sector Equality Duty*.

The information in this factsheet is applicable in England. If you are in Scotland, Wales or Northern Ireland, please contact Age Scotland, Age Cymru or Age NI for advice. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisation* section.

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Making a formal complaint

You may decide to raise a formal complaint because:
your concerns were not adequately addressed by raising them informally
the seriousness of the issue warrants a wider investigation, or
the event you want to complain about happened some time ago.

6 Making a formal complaint

6.1 Who to complain to

Everyone who provides an NHS service in England must have their own complaints procedure. Staff should direct you to the appropriate complaints team on how to make a complaint.

GP practice - the Practice Manager is usually responsible for handling complaints, but you may want to talk to your GP first.

Hospitals, mental health trusts and ambulance services - most have a department to handle formal complaints. As well as lodging your complaint with the complaints department, you can alert the Chief Executive to your issue by sending them a copy of your complaint.

Dental practices, opticians or pharmacies must have a senior staff member responsible for handling complaints.

If you do not want to complain to the provider of the NHS service

If you feel uncomfortable complaining to the service provider, you can approach the NHS organisation that funds a service you use known as *commissioner*'.

Integrated care boards (ICBs) now commission GP services and NHS services provided in the community by dentists, opticians and pharmacists. ICBs also fund hospital services, ambulance services, NHS 111, mental health services and community services such as district nurses, for people living in their area.

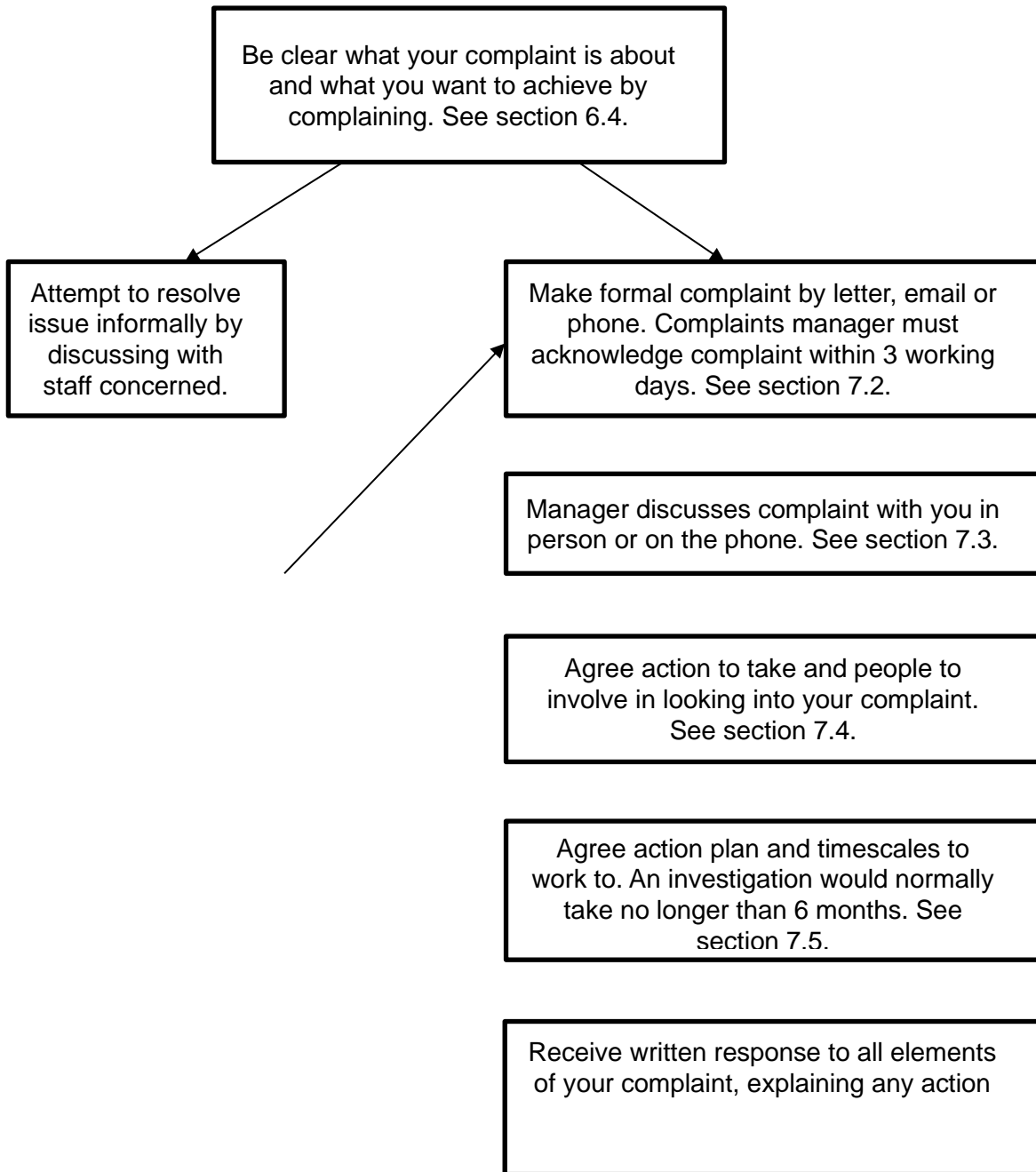
You can find out which ICB commissions the service you are complaining about by contacting your local Healthwatch or checking the ICB map on the NHS England website.

If you submitted a complaint to NHS England before April 2023, your complaint will be transferred to the relevant ICB.

NHS England remains responsible for complaints about a number of specialised services, such as military healthcare and prison healthcare.

The chart on page 6 shows steps in the process of resolving a complaint.

Resolving problems about NHS care



6.2 Complaints involving more than one organisation

If your complaint involves more than one organisation, they have a duty to co-operate. This means the organisation you complain to must approach the other one and agree between them to tell you who will:

take the lead in handling your complaint

be your point of contact and responsible for communicating with you

co-ordinate handling of any investigations

ensure you receive one response that addresses all the issues it was agreed they would investigate.

For example, you might want to complain about two NHS organisations, such as a GP practice and a hospital, or the hospital that managed your discharge and the local authority that arranged discharge support.

6.3 Support to make a complaint

It can be daunting or distressing to make a complaint about an NHS service and consequently, some people decide not to make one. However, you should not be put off by fears that the care or services you receive will be negatively affected after making a complaint.

If you are thinking of making a complaint and want to discuss your options, or need help to prepare your complaint, or want someone to come with you to a meeting about it, you have a right to free support from an advocate.

There is an Independent NHS Complaints Advocacy Service in every local authority area. They can offer a range of support, from a simple explanation of the complaints process to self-help guides, template letters or reading over your own letters, or more one to one support for complex complaints if needed.

Contact your local Healthwatch to find out who delivers advocacy services where you live. To find your local Healthwatch see www.healthwatch.co.uk/your-local-healthwatch/list

NHS services themselves also offer support. H

6.4 Tips to help make an effective complaint

These tips and suggestions can help you engage confidently with the process at what may be a

7.7 Taking your complaint to the Ombudsman

The Parliamentary and Health Service Ombudsman (PHSO) is independent of the NHS and the government and is accountable directly to Parliament. *You should approach the PHSO within one year of becoming aware of the problem.* If it is longer than this, speak to their helpline for advice on how to proceed.

Changes to the PHSO service means they only investigate cases where people have suffered *significant injustice*. Whilst they consider all complaints brought to them, if the complaint cannot be resolved quickly and they are satisfied that the impact on you was relatively minor, they will not investigate further.

Use their online complaint checker to find out if your complaint is ready for them. Alternatively, their helpline staff can offer information and advice about your complaint. You can submit your complaint online or download the complaint form from their website. The website also explains things you need to know if considering legal action.

If PHSO decides an organisation has got things wrong, they can make recommendations for them to be put right. This includes giving you explanations and an apology; wanting the service to learn and improve and there may be recommendations for financial redress. The PHSO and Local Government and Social Care Ombudsman (who investigates complaint handling by local authorities) have a joint team to handle complaints involving NHS and local authority services.

7.8 Monitoring and reporting on complaints handling

Each NHS organisation must keep a record of:

each complaint, what it was about, and its outcome

whether it met agreed timeframes for a response or had to amend them.

Their annual report must include:

how many complaints they received

how many were found to be justified

how many were referred to the PHSO

a summary of the subject matter of complaints

significant learning arising from complaints or the way they were handled

action taken, or to be taken, to improve services as a direct result of investigating complaints.

Some complaints or concerns are not dealt with or within the scope of the NHS complaints process. The following sections explore these in more detail, including providing feedback more generally.

8 Complaints about NHS use of *Mental Health Act*

Complaints if you are treated under the *Mental Health Act 1983* (the Act)

10 Raising safeguarding concerns

Safeguarding refers to the process of wellbeing and human rights, and enabling them to live free from harm, abuse and neglect. Some adults are at increased risk of neglect or abuse because of their dependence on others, for example people living with dementia, sensory impairment, learning difficulty or frailty.

Harm and abuse can happen anywhere, including hospitals at ward level where it can involve ignoring medical or physical care needs such as permitting development of pressure ulcers, misuse of medicines, or failure to ensure adequate nutrition and liquids. You can discuss any concerns and get advice by contacting Hourglass.

If your concerns are about someone else, it is always best to discuss your worries with them. It is important to have their agreement, where possible, before you report abuse. If the person does not have the mental capacity to agree to this, think carefully about whether it is in their best interests to raise a safeguarding alert on their behalf.

12 Complaints about a health professional

If you believe a doctor or other health professional is guilty of professional misconduct that could call into question their fitness to practice, you can complain to their regulatory body.

Each has procedures for investigating fitness to practice concerns. Examples include seriously or persistently failing to work competently and safely, having inappropriate relations with a patient, or breaching confidentiality.

The professional bodies for the main health professions are:

Doctors: General Medical Council

Nurses and midwives: Nursing and Midwifery Council

Dentists: General Dental Council

Opticians: General Optical Council

Pharmacists: General Pharmaceutical Council

Chiropodists/podiatrists, dietitians, occupational therapists, paramedics, physiotherapists, radiographers and speech and language therapists: Health and Care Professions Council

Useful organisations

Action against Medical Accidents
www.avma.org.uk

Hourglass

www.wearehourglass.org

Telephone 0808 808 8141

A specialist charity focusing exclusively on the issue of elder abuse.

Independent Sector Complaints Adjudication Service (ISCAS)

www.iscas.cedr.com

Telephone 020 7536 6091

Voluntary scheme for independent healthcare providers and provides independent adjudication on complaints about its members.

Local Government and Social Care Ombudsman

www.lgo.org.uk

Telephone 0300 061 0614

Can investigate complaints about privately funded adult social care and complaints about local councils.

Local Healthwatch and Healthwatch England

www.healthwatch.co.uk

Telephone 03000 683 000

Local Healthwatch can signpost to the independent NHS Complaints Advocacy Service in your area.

Mind

www.mind.org.uk

Infoline 0300 123 3393

Provides information and support to anyone experiencing a mental health problem.

NHS England

www.england.nhs.uk/contact-us/complaint/complaining-to-nhse/

Telephone 0300 311 22 33

Can ask to investigate complaints about services they commission, such as nationally delivered programmes.

Age UK

