Independent Age

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Patient Information Forum

Factsheet
Complaints about health services

If you're unhappy with a health service you've received, this factsheet can help you to make a complaint. It also covers other options, such as reporting your concerns to the health watchdog or taking legal action.

Call free on **0800 319 6789**
Visit **independentage.org**

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About Independent Age

At Independent Age, we want more people in the UK to live a happy, connected and purposeful later life. That's why we support people aged over 65 to get involved in things they enjoy. We also campaign and give advice on the issues that matter most: health and care, money and housing.

For information or advice – we can arrange a free, impartial chat with an adviser – call us on freephone **0800 319 6789** (Monday to Friday, 8.30am to 6.30pm) or email us at **advice@independentage.org**.

You can also support this work by volunteering with us, joining our campaigns to improve life for older people experiencing hardship, donating to us or remembering us in your will.

For more information, visit **independentage.org** or call us on **0800 319 6789**.

While some of information may apply across the UK, this factsheet covers England only.

If you're in Wales, contact Age Cymru (**0800 022 3444**, **ageuk.org.uk/cymru**) for information and advice.

In Scotland, contact Age Scotland (**0800 12 44 222**, **ageuk.org.uk/scotland**).

In Northern Ireland, contact Age NI (**0808 808 7575**, **ageuk.org.uk/northern-ireland**).

In this factsheet, you'll find reference to our other free publications. You can order them by calling **0800 319 6789** or by visiting **independentage.org/publications**

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1. When things go wrong

Many of us are happy with the help we get from the NHS or our healthcare provider. However, sometimes things can go wrong and you may be unhappy about an ongoing situation or a particular incident.

If this happens, don't be afraid to speak out. Organisations need to know if there is a problem and usually prefer to be told so that they have a chance to put things right.

Why you might want to complain

The kinds of things that can go wrong with your health services include:

- being refused the healthcare you think you need
- feeling unhappy with the quality or amount of healthcare given by your GP, dentist, optician, hospital medical team, district nurse, occupational therapist or other healthcare professional
- waiting longer than the NHS maximum waiting time for appointments or procedures (**nhs.uk/nhs-services/hospitals/guide-to-nhs-waiting-times-in-england**)
- having appointments or procedures cancelled without a good reason
- poor communication – for example, information is not correctly passed between the different health professionals treating you
- being given misleading information about your treatment or your right to services
- not having a proper assessment of your health and care needs before being discharged from hospital
- neglectful or harmful treatment
- the behaviour and attitude of staff – for example, if they've been unhelpful, rude or discriminatory.

Good to know

If you're injured as a result of treatment that is below an acceptable standard, this is known as clinical negligence. You may be able to claim financial compensation (see chapter 9).

Solving things informally

If you're unhappy with a healthcare service, it's a good idea to discuss things informally with the people providing the service first. By letting them know about problems early on, they may be able to put things right quickly. In most cases, having an informal conversation is enough to resolve any issues.

You can speak with the individual concerned, another member of staff or the manager. You may feel more comfortable speaking to someone not directly involved in your care. Or you could ask someone else to do this for you, such as a friend or relative.

You can also give feedback, which can help the service improve their quality of care. For example, you can give good or bad feedback for an NHS service anonymously through the Friends and Family Test (**nhs.uk/using-the-nhs/about-the-nhs/friends-and-family-test-fft**). It's a simple set of questions to see how likely you would be to recommend the service you've used to your friends and family.

However, if the problem continues, or you're not happy with their response, you may want to go further and make an official, or formal, complaint. You can get support to make a complaint if you need it.

2. How to make a complaint

All health services must have a complaints procedure. Ask the service you want to complain to for a copy. It should be available in different formats, such as on their website or in a leaflet. The procedure will tell you who to contact and how your complaint will be handled.

You can usually make your complaint by telephone, email, letter or by completing an online form. You must receive written or verbal acknowledgement of your complaint within three working days. You must be told:

- what will happen next
- how long the initial investigation will take
- who will contact you with the outcome.

You should also be given the opportunity to discuss how the complaint will be handled and what you want to happen as a result.

Make sure you know who to complain to. For example, if your complaint is about a primary healthcare service – such as a GP, dentist or pharmacy – you can complain directly to the service or to NHS England.

For complaints about secondary healthcare services – for example, if you've been referred to hospital services or a specialist health professional – you should complain to your local Clinical Commissioning Group (**see chapter 4**).

If you need help making a complaint

You can make a complaint yourself or ask a friend or a relative to do it for you. If you don't have anyone to help and you feel it would be difficult for you to make a complaint by yourself, you could get support from an independent advocate or an advice organisation (**see chapter 3**).

If you no longer have mental capacity to make some or all decisions yourself, someone may need to make a complaint for you. See our factsheet **Managing my affairs if I become ill** for more information.

Timescales for making a complaint

Make your complaint as soon as you can. The time limit for making a complaint is usually within 12 months of the problem arising (or you becoming aware of it if this is later).

However, you might still be able to complain after 12 months if:

- you have a good reason for the delay (for example, if you have been ill or in hospital), and
- it's still possible to investigate the complaint.

Good to know

If you're considering legal action rather than a complaint, you may need to act more quickly. For example, judicial review action (when your case is looked at by a judge) must be taken within three months, unless a court gives you permission to make a late application.

It's important to get specialist advice as soon as possible. **See chapter 10** about when you might want to take legal action instead of making a complaint.

Top tips for making a complaint

- Make it clear from the start of a conversation, letter or email that you're making a formal complaint.
- Give a clear and concise account of what happened or what went wrong.
- Include all the relevant facts (for example, dates, times and names) but try to keep the description as brief as possible.
- Explain what you would like to happen as a result of your complaint. For example, to receive an apology or for steps to be taken to prevent the problem from happening again.
- If you're making your complaint in writing, attach copies of any relevant letters and documents, and list all the attachments in your letter or email.
- Keep your tone polite and professional, even if you feel angry or upset.
- Keep copies of all the letters and documents that you have sent and any responses you receive.
- Ask for the name and job title of anyone you speak to about your complaint. Take note of what was said and who was involved in your complaint in case you need to refer to the conversation in the future.
- Ask for written confirmation of any verbal decisions or promises of action.
- If something isn't done within the time it should be, contact them as soon as possible.

3. Getting support with making a complaint

If you want to talk to someone about the process of making a complaint and what your options are, contact Independent Age and arrange to speak to an adviser (**0800 319 6789**, **advice@independentage.org**).

If you'd prefer to speak to someone face-to-face about your concerns, you could contact your local Age UK (**0800 169 6565**, **ageuk.org.uk**) or Citizens Advice (**0800 144 8848**, **citizensadvice.org.uk**).

Advocacy support

If you would find it difficult to make a complaint and get your voice heard, you could speak to an independent advocate.

An advocate can help you understand information about the service that has let you down, and help you communicate your views, wishes and concerns. For example, they can support you by writing letters or attending meetings with you. They may be able to help you solve problems and make communication easier between you and the organisation you're complaining about.

You can find a local independent advocacy organisation by using the Older People's Advocacy Alliance website (**opaal.org.uk**). You can also ask your local Healthwatch for help with finding advocacy support (**03000 683 000**, **healthwatch.co.uk**).

Some Age UK branches offer advocacy services. Ask your local branch or contact their national helpline (**0800 169 6565**, **ageuk.org.uk**) to find out what is available in your area.

For more information about advocacy, see our factsheet **Independent advocacy**.

Support from organisations

You can get help from:

- your local Patient Advice and Liaison Service (PALS). They can record and discuss your complaint, direct your complaint to the correct department and support you throughout.

  PALS can also arrange an independent advocate for you. You can find the details of your local PALS from your local library, GP surgery, dentist surgery or hospital and on the NHS website (**nhs.uk**).

- Healthwatch provides information and resources on how to make a complaint. You can get in touch with your local Healthwatch for help with making a complaint (**03000 683 000**, **healthwatch.co.uk**). They will also be able to tell you if there's an independent NHS complaints advocacy service in your area.

- The Patients Association (**0800 345 7115**, **patients-association.org.uk**) may also be able to provide information and support.

4. Complaints about care in hospital or another NHS setting

If you're unhappy with the care you receive in hospital, or from a doctor, dentist, optician, pharmacist or physiotherapist, you should raise this with staff at the time. This can give them a chance to put things right or to make a note of the problem so it doesn't happen again. This may be enough for you to resolve the issue and feel better about the situation.

If the problem can't be resolved in this way, you can make a complaint using the NHS complaints procedure. You can ask the organisation you would like to complain to – for example, a GP surgery, dentist practice or hospital – for a copy and the name of the person you should direct your complaint to.

If you don't feel comfortable complaining directly to the service you are unhappy with, you can contact the commissioner of that service instead:

- If your complaint is about primary healthcare services, such as a GP practice, dentist, pharmacist or optician, direct it to NHS England (NHS England, PO Box 16738, Redditch, B97 9PT, call **0300 311 2233**, or email **england.contactus@nhs.net**).
- If you're complaining about secondary healthcare services, such as hospital, out-of-hours, ambulance, community health and mental health services, speak to your local Clinical Commissioning Group (CCG). This is the body that is responsible for organising your health services. The CCG responsible for your particular services is the one that your GP belongs to. You can find your CCG by visiting **england.nhs.uk/ccg-details**.

Complaining about both NHS services and social services

You may need to make a complaint about both an NHS health service and your local council. For example, you may want to complain about your discharge from hospital being delayed, which was partly caused by the local council's adult social services team not having home care services ready in time for you to return home.

If your complaint is about both the NHS and adult social services, you only need to complain to one organisation. That organisation must contact the other service to decide who will be responsible for dealing with your complaint.

They should then coordinate the investigation into your complaint and act as your main point of contact, so you receive a single response that addresses all of your concerns. Both organisations may need to attend any meetings that are held as part of the complaints process.

For more information on complaining about social care services, read our factsheet **Complaints about social care services**.

To do

To find out more about making a complaint about NHS services, visit the NHS website at **nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs**.

5. Complaints about private healthcare

If your complaint is about private healthcare that you're paying for yourself, you'll need to complain directly to the healthcare provider. Each private healthcare provider should have their own formal complaints procedure.

If you're unhappy with their response, you can contact the Independent Healthcare Sector Complaints Adjudication Service (ISCAS) if your provider is a member (**020 7536 6091**, **iscas.cedr.com**).

If you're receiving treatment from a private healthcare provider but it's funded by the NHS, you should go through the NHS complaints procedure – **see chapter 4**.

For more information and support, you can contact the Patients Association (**0800 345 7115**, **patients-association.org.uk**).

6. Complaints about an individual healthcare professional

As well as following the complaints procedures in the previous chapters, you may also want to complain about an individual's behaviour as a professional.

You can do this by contacting the relevant organisation that regulates the practice of healthcare professionals. They may only investigate in certain circumstances.

Complaints about a doctor

Contact the General Medical Council (GMC) (**0161 923 6602**, **gmc-uk.org**). The GMC complaints department can investigate all doctors working in the UK, whether they work for the NHS or a private practice.

Complaints about a dentist

Contact the General Dental Council (GDC) (**020 7167 6000**, **gdc-uk.org**). The GDC can investigate all concerns from dental patients, whether they are NHS or private patients.

Complaints about a nurse

Contact the Nursing and Midwifery Council (**020 7637 7181**, **nmc.org.uk**). If necessary, they can remove a nurse's professional registration permanently or for a set period of time.

Complaints about another health professional

If you have a complaint about another health professional – for example, an occupational therapist, speech and language therapist or physiotherapist – contact the HCPC's Fitness to Practise Department (**0800 328 4218**, **hcpc-uk.org**). They have a register of certain health professionals and can investigate complaints if it's about a profession they regulate.

7. If the complaint is about abuse

Abuse can happen anywhere, including in hospital. Whatever form the abuse takes – for example, financial, physical, sexual, psychological abuse or neglect – this can be reported to your local council's adult social services team and/or the police.

Who to complain to

If you are experiencing, or at risk of experiencing, abuse or neglect, contact adult social services with your concerns. They must respond if your care and support needs mean you're unable to protect yourself against the abuse.

The council will work with you to find out more information and discuss ways to resolve the situation. They may need to start a safeguarding enquiry. This could be a conversation or a more formal course of action involving other agencies. If this happens, you may want to get support from an independent advocate (**see chapter 3**).

You can find the contact details of your local authority's adult social services department on the NHS website (**nhs.uk/service-search/other-services/Local-Authority-Adult-Social-Care/LocationSearch/1918**). You can also find their details in the phone book or by asking your local library.

Read our free guide **Staying in control when you're older** to find out more about abuse, how to prevent it and how to report it.

Good to know

If you want to speak to someone in confidence about suspected abuse, you can contact Hourglass (**0808 808 8141**, **wearehourglass.org**) or an independent advice service such as Independent Age (**0800 319 6789**, **independentage.org**).

8. Other ways to raise concerns about a health service

You can report your concerns to your local Healthwatch. They'll make sure your views and experiences of health and social care services in your area are taken seriously, and represented locally and nationally. To find your local Healthwatch, contact Healthwatch England (**03000 683 000**, **healthwatch.co.uk**).

You can also report your concerns about health services to the Care Quality Commission (CQC) (**03000 616161**, **cqc.org.uk**), an independent body which regulates many different types of health services in England. Visit **cqc.org.uk/what-we-do/services-we-regulate/services-we-regulate** to find out more.

Healthwatch and the CQC don't investigate individual cases, but it will help them identify and address quality issues in care and health services.

Getting others interested

You may want to try to get support from a local voluntary organisation, your local councillor or your MP. You can find the contact details for your local MP on the They Work For You website (**theyworkforyou.com**) or at your local library.

You can also write to the government minister responsible for the NHS. Find out which minister is responsible by visiting **gov.uk/government/organisations/department-of-health.**

9. Taking your complaint further

If you've made your complaint to the NHS or a healthcare provider, but you're not happy with the outcome, there are further steps you can take.

To escalate a complaint about NHS services, contact the Parliamentary and Health Service Ombudsman (PHSO) (**0345 015 4033**, **ombudsman.org.uk**). They are independent of the NHS and can investigate complaints about NHS services. They can't deal with complaints about private healthcare unless it was funded by the NHS.

When to contact the PHSO

You must use the NHS complaints procedure first. But if this is taking longer than 12 weeks, it's worth considering contacting the PHSO about this delay. They may step in to help sort this out. They can't investigate a complaint if you're taking other legal action relating to the issue.

You'll have to persuade the PHSO that, even though the NHS has looked into your complaint, they should also do so. They will only investigate where the issue has resulted in an injustice or harm to you. It's useful to include any evidence you have to show this. They don't have to take on your complaint if they have good reasons for not doing so.

You usually need to make your complaint within 12 months of the initial problem, unless there are special reasons for not doing so.

If the PHSO finds your complaint is valid, they will write a report recommending what the NHS should do to put things right.

Good to know

If you need advice or help with taking your complaint further, **see chapter 3** for information on organisations that can provide support throughout the complaints process.

10. Taking legal action

When you might want to consider legal action

You might want to consider taking legal action if:

- you're unhappy with the way a decision about your care has been made – you may want to consider starting a judicial review (**see page 19**). You need to do this as soon as possible
- you've been injured as a result of a mistake made in your care or treatment – you may want to consider legal action to claim compensation (known as 'damages') for harm caused by negligence. **See page 20** about clinical negligence
- you've been discriminated against, for example, if you've been treated differently or unfairly because of your age, ethnicity or sexuality – contact the Equality Advisory and Support Service for advice (**0808 800 0082**, **equalityhumanrights.com/en/contact-us/equality-advisory-and-support-service**)
- your human rights have been breached, for example, if you've experienced poor treatment in a hospital, or if your family haven't been allowed to visit you – you may need to get legal advice.

You do not need to have made a complaint before taking legal action.

To do

If you want to explore the options available to you, call our free Helpline on **0800 319 6789** to arrange to speak to an adviser.

Getting legal advice

You may be able to get free legal advice under the Legal Aid scheme. This is means-tested, which means it depends on your finances whether or not you qualify. The rules around who qualifies are complicated, so speak to a legal adviser who specialises in this area or contact Civil Legal Advice (**0345 345 4345**, **gov.uk/civil-legal-advice**).

Good to know

If you don't qualify for legal aid, you might be able to get free initial legal advice through a Law Works legal advice clinic (**lawworks.org.uk**) or from the Disability Law Service (**020 7791 9800**, **dls.org.uk**).

Judicial review

A judicial review is a type of court proceeding where a judge looks at whether a public body, such as a hospital trust, has applied the law correctly and followed the right procedures when making its decision. In other words, you can apply for a judicial review if you want to challenge the way a decision was made about your care, rather than what happened as a result of the decision.

A judicial review can be an effective way to get a public body like a hospital trust to reconsider a decision or take action. However, it's not appropriate in every case and it's expensive. You should get legal advice first to see if you have a good case or whether you should use the complaints procedure instead.

Good to know

If you're considering judicial review, you need to act quickly. If court proceedings are necessary, they must be started within three months of the decision or action you want to challenge. The court will sometimes give you permission to bring a later claim.

Getting started with a judicial review

If you have grounds to start a judicial review claim, the first stage is to send a 'letter before action'. This sets out the details of the decision or action that you want to challenge and the reason why you think it is unlawful. The relevant NHS organisation should respond within a set time limit. In some cases, a letter before action is enough to sort it out.

If your case is urgent, you can apply to the court to fast track it. You can also ask the court to order the NHS to act (for example, to put services in place) while you're waiting for the case to go through the court process.

To do

The Public Law Project has produced an Introduction to Judicial Review, which explains how the process works and can help you find a specialist solicitor (**020 7843 1260**, **publiclawproject.org.uk/resources/an-introduction-to-judicial-review-2/**).

Negligence claims

Clinical negligence can occur when someone involved in your healthcare provides you with treatment that is below an acceptable standard, resulting in you suffering an injury. Examples of negligence could include:

- having your condition diagnosed incorrectly
- a delay or failing to treat your condition
- a mistake being made during an operation or treatment
- not getting your consent for a particular type of treatment.

It can be tricky to work out whether or not clinical negligence has happened. If it appears that negligence happened in your case, you may be able to claim financial compensation. It's also possible to make a claim for someone who doesn't have the mental capacity to do so themselves, or when someone has died.

Timescales for making a claim for clinical negligence

Generally, you must take legal action within three years of the injury taking place or when you first realised you had an injury. But the sooner you can get specialist advice, the better. The time limits vary in different circumstances, for example when the claim is being made on behalf of someone who does not have the mental capacity to make a claim on their own.

To do

For advice about whether clinical negligence has taken place and what to do next, contact Action against Medical Accidents (AvMA) (**0845 123 2352**, **avma.org.uk**).

Getting specialist help

If you do decide to take legal action and need to find a solicitor specialising in clinical negligence, AvMA can help. You can also search for specialist legal adviser at:

- the Law Society (**020 7320 5650**, **solicitors.lawsociety.org.uk**)
- **find-legal-advice.justice.gov.uk** – put in your postcode and select 'clinical negligence' as the category of law.

11. Step-by-step summary to make a complaint

Step one: Check who to make your complaint to

Who you need to complain to depends on which health care service you're unhappy with. If your complaint is about:

- a primary healthcare service, such as your GP, you should complain to NHS England (see chapter 4)
- a secondary healthcare service, such as hospital services, you should complain to your local Clinical Commissioning Group (see chapter 4)
- private healthcare you're paying for yourself, you should complain to the provider (see chapter 5)
- an individual healthcare professional, you can also complain to their relevant regulatory body (see chapter 6).

Step two: Ask the service you're complaining to for a copy of their complaints procedure

This will tell you how to make your complaint and how it will be handled.

Step three: Get help to make your complaint if you need it

If you need help at any stage of the complaints process, you can:

- call our Helpline on **0800 319 6789** to arrange to speak to an adviser
- speak to an independent advocate, who may be able to provide practical help
- get in touch with organisations that offer information and resources – for example, your local Patient Advice and Liaison Service, or Healthwatch.

For more information on where you can get support, see chapter 3.

Step four: Make your complaint as soon as possible

When making a complaint, you should:

- give a clear account of what happened
- include all the relevant facts (for example, dates, times and names) but try to keep it to the point
- explain what you'd like to happen as a result of your complaint.

For more tips on what to do when making a complaint, **see chapter 2**.

Step five: If you need to take your complaint further

If you're unhappy with the response you get, or you feel the problem hasn't been solved, you can take it further.

To escalate a complaint, contact the Parliamentary and Health Service Ombudsman (**0345 015 4033**, **ombudsman.org.uk**) – **see chapter 9** for more information.

You can also give feedback about a health service. You can:

- give anonymous feedback about an NHS service through its Friends and Family Test (**nhs.uk/using-the-nhs/about-the-nhs/friends-and-family-test-fft**)
- report any concerns to your local Healthwatch (**03000 683 000**, **healthwatch.co.uk**) or the Care Quality Commission (**03000 616161**, **cqc.org.uk**).

Remember that they cannot investigate individual complaints. **See chapter 8** for more information.

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The sources used to create this publication are available on request. Contact us using the details below.

Thank you

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