

Making a complaint about NHS care



This note explains how to make a complaint about the standard of care provided by the National Health Service (NHS) in England. It outlines the complaints process and highlights some sources of advice and support both within and outside of the NHS.

[Northern Ireland](#), [Scotland](#), [Wales](#), the Channel Islands - [Jersey](#) and [Guernsey](#) - and [Isle of Man](#) all have their own healthcare systems. The relevant website (links above) will provide a good starting point for complaints about the health service in any of these locations.

Some private care providers in the UK are registered with the [Independent Sector Complaints Adjudication Service](#) (ISCAS) which resolves complaints about ISCAS members. Before taking a complaint to ISCAS, a complaint will need to have been made to the organisation providing the treatment giving them a chance to put things right.

Why complain?

Most NHS care and treatment goes well; where it's exceptional, a compliment will always be appreciated by staff and help the organisation to know it has got things right. When things go wrong, there may be some reluctance to raise a concern or make a complaint about NHS care in case it affects future care or treatment; this should not happen. A failure to raise a genuine concern or complaint may be a missed opportunity for the NHS to learn from its mistakes and make changes to avoid the same mishap or worse happening again. In most instances the process for making a complaint as bureaucratic as many people believe.

NHS Constitution

The [NHS Constitution for England](#) establishes the principles and values of the NHS in England and addresses the rights and responsibilities of patients and staff, many of which are legally enforceable. You can seek redress if you feel the NHS has infringed the rights described in the NHS Constitution. The rights for patients include the right to complain if things go wrong and to have their complaint heard and properly investigated.

The [NHS complaints guidance](#) explains how to make a complaint if you're unhappy with a service provided and what you can expect if you make a complaint.

NHS complaints process

- As with any type of complaint, it's best to start by speaking to those concerned. It may be possible to resolve the complaint without having to go through the formal complaints procedure; this is called 'local resolution' and it aims to resolve complaints quickly. Most complaints are resolved at this stage.
- If the complaint isn't resolved or the complainant doesn't feel comfortable raising their concerns directly with the people involved, they can proceed to make a formal complaint.
- Every NHS organisation has its own complaints procedure. Information - such as leaflets or posters - about the procedure should be available at the sites run by the organisation or on their website, or any member of staff should be able to provide a copy of the complaints procedure.

- Complaints are usually addressed to the organisation that provided the care. However, complaints may be made to the commissioner of the services instead which will be either the local Clinical Commissioning Group (CCG) or NHS England (for GP, dental, pharmacy and optical services and specialist services).
- Complaints can be made verbally, by email or on paper.
- Complaints should be made as soon as possible; the time limit for NHS complaints is usually within 12 months from when the event happened or you first became aware of it.
- There is not cost to making a complaint using the NHS complaints procedure.

Help

There are several options to assist people making a complaint:

- The local NHS Patient Advisory and Liaison Services (PALS), sometimes part of the Customer Care or Patient Experience Team, offers confidential advice, support and information on health-related matters to patients and their carers and families. Most NHS organisations, including all hospitals, have PALS and the [NHS Choices](#) website explains the roles of PALS and how to find a local service. Alternatively, hospitals and GPs will be able to provide details of the nearest PALS.
- The Patients Association produce [letter templates](#) for people addressing a complaint to their GP or to a hospital and provides a helpline for those with concerns and queries about any aspect of the healthcare system.
- The [Citizens Advice website](#) also contains helpful information on how to go about dealing with a problem with the NHS.
- Local authorities have a legal duty to provide an independent NHS complaints advocacy service to support people making, or thinking of making, a complaint about their NHS care or treatment. There is a local [Healthwatch](#) in every area of England. They are independent organisations for people who use health and social care services; Healthwatch listens to the views of service users and share them with those with the power to make improve local services.

If a patient has suffered harm or neglect as a result of the care (or lack of care), it could be worth considering a claim for clinical negligence which requires specialist legal advice. [LAWS Online](#) is a free, confidential, no-obligation service provided by members of the Brain Injury Group for individuals and families affected by brain injury providing access to advice on a range of legal, financial and welfare issues. Initial enquiries can be submitted via our website, or people can approach member firms direct.

Escalation

The [Parliamentary and Health Service Ombudsman](#) is the final stage for unresolved complaints once the NHS complaints procedure has been exhausted. There is a complaints helpline on 0345 015 4033 and more information on their website.

Concerns can also be addressed to regulatory bodies like the [Care Quality Commission](#) (CQC), the independent regulator of health and social care in England. If the matter is serious enough to call into question the competency of a healthcare professional, complaints can also be addressed to their relevant professional regulatory body such as the [General Medical Council](#) (GMC) or the [Nursing & Midwifery Council](#) (NMC).

This note is for information only and does not constitute legal advice.

The Brain Injury Group a national network of legal and other professionals supporting individuals and families affected by brain injury. www.braininjurygroup.co.uk