

Complaints against NHS services or treatment

Last updated August 2011/ Due for review August 2012

If you are unhappy with any treatment or service you have received from the NHS, you are entitled to make a complaint and receive a response from the NHS organisation or healthcare professional concerned.

The NHS trust or primary care trust (PCT) where you received your treatment should have a Patient Advice and Liaison Service (PALS). The PALS officer may be able to help you sort out the problem. If they can't, they will give you advice about the NHS complaints procedure and other avenues you can use. You can also get help with making your complaint from the Independent Complaints Advocacy Service (ICAS). ICAS is a free, confidential and independent service. You can contact them directly through their nearest local office, or through NHS managers at a local NHS organisation.

To use the NHS complaints procedure you should be a patient or a former patient of the practitioner or institution concerned, although it is possible to complain on someone else's behalf. NHS complaints procedures may vary slightly in different parts of the UK.

The time limit for complaints is usually six months from the date of treatment (or when you became aware of the issue) but you should make your complaint as soon as possible.

It is not possible to get any financial compensation through the NHS complaints procedure. If you are seeking financial compensation you will need to take separate legal action by consulting a solicitor.

The NHS complaints procedure

You can get a copy of the complaints procedure from the practice, hospital or trust concerned. This is the same for GPs, opticians, hospitals and any other care given by the NHS.

You should then make a complaint to the practitioner concerned. This is called 'local resolution'. A large health centre may have a designated complaints manager whereas a smaller practice will probably not, but all NHS practices have a procedure with someone responsible for it. In most cases the matter will be resolved at this stage.

Independent review

If you are not happy with the result of the local resolution, you can refer the complaint for an independent review. In England, independent reviews are carried out by the Care Quality Commission. To contact the Commission, visit their website at: www.cqc.org.uk.

At this stage, the person carrying out the review may:

- refer the matter back to the practice, hospital or trust, for further action,
- set up an independent review panel which will investigate the complaint,
- take no further action (if everything which could be done has been done).

If the person carrying out the review decides to take no further action you cannot appeal but you do have the right to refer the matter to the independent Health Service Ombudsman.

Ombudsman

An ombudsman is a person who has been appointed to look into complaints about an organisation. Using an ombudsman is a way of trying to resolve a complaint without going to court. You should complain to the ombudsman only after you have given the relevant organisation an opportunity to comment on and resolve any problems. In most cases, an ombudsman will not investigate a decision made by an organisation, just because you disagree with it.

Most of the offices of the ombudsmen provide an application form for making a complaint. However, you do not need to use an application form but should provide full contact details and the nature of the treatment and complaint. Copies of any paperwork relevant to the complaint should be sent.

The Health Service Ombudsman can be contacted on: 0345 015 4033 or by email: phso.enquiries@ombudsman.org.uk

Judicial review

It may be possible to challenge the final decision on your complaint by seeking a judicial review. Judicial review is a procedure which allows a court of law to review decisions made by public bodies.

You will need the help of a lawyer experienced in judicial review matters, and possibly in the area which concerns you, e.g. healthcare.

For information on lawyers who may be able to help or offer services with public funding, contact the Community Legal Service at www.legalservices.gov.uk/civil.asp

Further advice

- Call NHS Direct on 0845 4647
- Call your local Citizens Advice Bureau: www.adviceguide.org.uk
- The Department of Health's website has information on the NHS complaints procedure: www.dh.gov.uk