

# How to complain about a health or social care service

February 2014

## About this leaflet

Although most people have no problems when using health or social care services, sometimes things can go wrong.

This leaflet explains what to do if you, a member of your family or someone acting on your behalf wants to complain about care or treatment that you have received.

For many, the thought of making a complaint can be daunting, but care services should welcome the opportunity to respond to your concerns and try to put things right.

## About us

We are the Care Quality Commission (CQC), the independent regulator of health and adult social care services in England.

Our purpose is to make sure health and social care services provide people with safe, effective, compassionate, high-quality care and we encourage care services to improve.

Our role is to monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety and we publish what we find, including performance ratings, to help people choose care.

We also protect the interests of people whose rights are restricted under the Mental Health Act.

## How to complain

- If you are unhappy with care or treatment you have received you have the right to:
  - make a complaint;
  - have that complaint investigated; and
  - be given a full and prompt reply.
- By law, all health and social care services must have a procedure for dealing efficiently with complaints.
- Ask the service you want to complain about for a copy of their complaints procedure. This will tell you who to contact, how they will handle your complaint and how they will learn from your complaint.
- You can make a complaint by email, letter, in person, or by phone. If you make a complaint by phone or in person, the service should give you a written copy of your complaint.
- It is usually a good idea to keep a record of what you said, who you said it to and what they said.
- The service you complain to should let you know how long they think it will take to investigate your complaint and respond to you.
- Complaining can be a difficult experience. There are many organisations, including charities, that can give you free support and advice on how to make a complaint. We mention some of the organisations that can help in section 5 of this leaflet.
- The rest of this leaflet gives more detail on how to complain about different health and social care services, including what to do if you are not happy with the response to your complaint.

- ▶ **1:** Complaints about the NHS – including GPs, dentists and hospitals (page 2)
- ▶ **2:** Complaints about healthcare you have paid for yourself (page 4)
- ▶ **3:** Complaints about social care – including care homes and home-care agencies (page 4)
- ▶ **4:** Complaints about use of the Mental Health Act (page 6)
- ▶ **5:** Support with making a complaint (page 7)
- ▶ **6:** Sharing your experience (page 9)

# 1

## How to make a complaint about NHS care

If you are unhappy with the care or treatment you have received from an NHS hospital, GP practice, dentist or other service you should contact the service directly to make a complaint. This gives them the chance to try and put things right for you.

Or you can choose to complain to the NHS organisation that commissions (arranges and pays for) the service.<sup>1</sup>

Complaining can be a difficult experience. See section 5 for a list of organisations that can give helpful advice and support.

## If you are not happy with the reply you get

If you are not happy with the outcome of your complaint or how it was dealt with, you can ask the Health Service Ombudsman to investigate it.

The Health Service Ombudsman is a free, independent complaints service. If they decide that the NHS has got things wrong, they can make recommendations to put things right.

You can contact the Health Service Ombudsman in the following ways.

- By phoning **0345 015 4033** (textphone **0300 061 4298** for people who are deaf or have problems using a standard phone).
- By sending an email to:  
**phso.enquiries@ombudsman.org.uk**.
- By texting 'call back', with your name and mobile number, to **07624 813 005**. Someone will then call you.
- By writing to:  
**Parliamentary and Health Service Ombudsman  
Millbank Tower, Millbank  
London, SW1P 4QP**

You can also visit their website at  
**[www.ombudsman.org.uk](http://www.ombudsman.org.uk)**.

<sup>1</sup>In general, NHS England commissions most primary care, such as GP and dental services. You can contact NHS England by phoning them on **0300 311 22 33** or sending an email to **[england.contactus@nhs.net](mailto:england.contactus@nhs.net)**. You can also visit their website at **[www.england.nhs.uk](http://www.england.nhs.uk)**

Complaints about secondary care, such as hospital and some community care, can be made to your local Clinical Commissioning Group. You can get details for your local Clinical Commissioning Group from your council or you can find them online by visiting the website at **[www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1](http://www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1)**

## 2

### How to make a complaint about health care that you have paid for yourself

If you are unhappy with care or treatment that was not provided, or paid for by the NHS, you should contact the person or organisation that provided the service and give them the chance to put things right for you.

Complaining can be a difficult experience. See section 5 for a list of organisations that can help.

If you are not happy with the response to your complaint, you can contact the Independent Healthcare Advisory Services (IHAS). For their contact details, visit their website at [www.independenthealthcare.org.uk](http://www.independenthealthcare.org.uk).

IHAS is an organisation that represents many independent health care organisations. It has a code of practice for its members on dealing with patients' complaints, and it can look into your complaint if you are unhappy with the response you have received from a service.

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### How to make a complaint about care homes and social care services

If you are unhappy with the care you have received from a care home, nursing home, home-care agency or other social care service, you should contact the service directly to make a complaint. This gives them the chance to try and put things right for you.

Or you can choose to complain to your local council if they paid for the care. You can find the contact details of your local council by visiting the website at [www.gov.uk](http://www.gov.uk).

If the service is provided in a social care setting but is funded by the NHS (for example, dental services), you will need to follow the NHS complaints procedure, which you can find in the previous section called 'How to make a complaint about NHS care'.

Complaining can be a difficult experience. See section 5 for a list of organisations that can give advice and support.

### **If you are not happy with the reply you get**

If you are not happy with the outcome of your complaint or how it was dealt with, you can ask the Local Government Ombudsman to investigate it. This applies whether you pay for your own care or your local council pays for it.

The Local Government Ombudsman is a free, independent complaints service. If they decide that the care service has got things wrong, they can make recommendations to put things right.

You can contact the Local Government Ombudsman in the following ways.

- By phoning **0300 061 0614**
- By texting 'call back', with your name and mobile number, to **0762 480 3014**. Someone will then call you.
- By writing to:  
**Local Government Ombudsman**  
**PO Box 4771**  
**Coventry, CV4 0EH**

You can also visit their website at **[www.lgo.org.uk](http://www.lgo.org.uk)**.

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## How to make a complaint about use of the Mental Health Act

If you are unhappy with the way the Mental Health Act has been used, you can make a complaint. Powers and duties carried out under the Mental Health Act cover a wide range of services, including receiving care while detained in hospital, or while on a guardianship or community treatment order.

You should first complain to the service that provided the care you are unhappy with.

### If you are not happy with the reply you get

If you are not happy with the final reply you get from the service, you can ask us, the Care Quality Commission to investigate your complaint. Our powers under the Mental Health Act mean that we can only look into complaints from, or involving, people who are or have been:

- detained in hospital;
- on a community treatment order; and
- on a guardianship.

Our job is to make sure that the complaint has been handled fairly. This might mean that we agree with the way the complaint was handled, even if you do not accept the outcome.

If you find it difficult to make your complaint or would like some support, you can ask to talk to an Independent Mental Health Advocate (IMHA). IMHAs are trained in the Mental Health Act and can advise you on and help you with your



rights. All hospitals which care for patients detained under the Mental Health Act must tell you how you can get in touch with an IMHA.

## 5

## Support with making a complaint

Complaining can be a difficult experience. Here are some organisations that can give helpful advice and support.

### The NHS Complaints Advocacy Service

A free confidential service that advises and supports people who are complaining about the NHS. This service is independent of the NHS and has offices throughout England. To find your nearest one, contact your local council.

### Patient Advice and Liaison Service (PALS)

The Patient Advice and Liaison Service (PALS) offers free confidential advice, support and information on health-related matters. PALS staff are NHS employees. They provide a point of contact for patients, their families and their carers.

PALS can help you with health-related questions, help solve problems you have when you're using the NHS, and tell you how to get more involved in your own health care.

PALS staff are available in all hospitals. To find your nearest one, contact your local hospital or council.

### Action against Medical Accidents (AvMA)

AvMA is the national charity for patient safety and justice. It provides free specialist advice and support, through its helpline and casework service, to people affected by medical accidents.

This includes help with complaints about harm caused, support at inquests, advice about matters such as the regulation of health professionals, support in taking legal action, and recording patient-safety issues.

You can contact AvMA's helpline on **0845 123 2352** or visit **[www.avma.org.uk](http://www.avma.org.uk)**.

## Patients Association

A national health care charity that highlights patients' concerns and needs. It provides advice aimed at helping people to get the best out of their health care and tells you where you can get more information and advice. Contact the Patients Association's helpline on **0845 608 4455** or visit **[www.patients-association.org.uk](http://www.patients-association.org.uk)**.

## The Relatives & Residents Association

The Relatives & Residents Association (R&RA) is a national charity which exists to benefit older people in residential care, as well as their families and friends.

R&RA support people by giving them the information they need to make confident and informed choices – whether about choosing a care home, paying for care, adjusting to being in care, or complaining about the quality of care provided. You can contact R&RA's helpline on **0207 359 8136** or visit the website at **[www.relres.org](http://www.relres.org)**.

## Citizens Advice

Citizens Advice provides free, confidential and independent advice from over 3,000 locations, including in their bureaux, GP surgeries, hospitals, colleges, prisons and courts. Advice is available face-to-face and by phone. Most of their

bureaux offer home visits and some also provide email advice. To find out more, visit [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).

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## Sharing your experience

### Care Quality Commission

If you have experienced poor care, or you know that poor care is being provided somewhere, we want you to tell us.

We use the information when we are inspecting health and social care services to make sure that they are meeting important standards of quality and safety. If they are not, we can use our legal powers to make them improve their services for the benefit of people using the service now and in the future.

Please be aware that we do not settle individual complaints. The only exception to this is complaints people whose rights are restricted under the Mental Health Act (or their representatives) make about the way staff have used their powers under the Act.

### The Healthwatch Network

Healthwatch is the independent consumer champion for health and social care in England. It's responsible for supporting people with their health and social care concerns and for passing on your thoughts and concerns to local health and social care organisations. Healthwatch does not investigate individual cases or complaints but will be able to point you in the direction of organisations that can help you. You can find your nearest Healthwatch by visiting the website at [www.healthwatch.co.uk](http://www.healthwatch.co.uk) or phoning **03000 683 000**.

## How to contact us

Call us on: **03000 616161**

Email us at: **[enquiries@ccq.org.uk](mailto:enquiries@ccq.org.uk)**

Look at our website at: **[www.cqc.org.uk](http://www.cqc.org.uk)**

Write to us at:

**Care Quality Commission  
Citygate, Gallowgate  
Newcastle upon Tyne  
NE1 4PA**



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**[www.cqc.org.uk/complaints](http://www.cqc.org.uk/complaints)**

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