



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

# Complaints about NHS Treatment and Care

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A guide to making a complaint  
about the NHS in Wales

October 2006



## **Making suggestions and complaints**

Do you have suggestions about how we can provide a better service? Your suggestions, compliments or complaints will help us to improve the services we offer.

People working in the NHS in Wales want to give you a good service. But sometimes things do go wrong and you may want to complain or you may just want to tell us about your concerns or suggest improvements.

The sooner you mention what is troubling you, the higher the chances of getting something done for you or your family.

All NHS organisations have a complaints procedure. This leaflet tells you what to do if you have a complaint or concern. The NHS complaints procedure does not deal with complaints about private treatment, local authority social services or where you have started legal action.

### **Who do I talk to first?**

First talk to the staff who provided you with the service that you are concerned about. If you are not sure who to speak to, ask the receptionist or the person in charge who you should talk to first. Often they will be able to deal with the problem straight away. If you do not want to do this, you can contact the complaints manager in the NHS Trust (if your complaint is about hospital or community services) or the Local Health Board (if your complaint is about general practitioners or dentists, pharmacists or opticians). NHS Direct Wales can give you contact details.

If you prefer you can put your comment or complaint in a letter.

## Who can complain?

You can make a complaint, if you have used NHS services or facilities. If you are unable to make your complaint yourself, then someone else, such as a relative or friend, can complain for you. You will need to give your written consent. Where a patient is unable to give written consent, you may need to show that you are their next of kin or have their agreement. You can also complain about care given to a patient who has died.

If the patient is a child, then they can sometimes complain in their own right about hospital services and should ask to speak to the hospital complaints manager who will do what they can to help. Otherwise an adult can complain on their behalf. If the child's complaint is about a family doctor, dentist, pharmacist or optician, then normally they would need an adult to complain on their behalf. The Welsh Assembly is looking to improve the arrangements for children who want to complain.

## Can I make a complaint at any time?

It is important to make your complaint as soon as possible after the problem arises. Usually the NHS will only investigate complaints that are either:

- Made within six months of the event; or
- Made within six months of you realising that you have something to complain about as long as that is not more than 12 months after the event itself.

If there are good reasons why you could not complain sooner, it may still be possible to investigate your complaint.

## How do I write a complaint?

A complaint letter need not be long or detailed, but it should include:

- Who or what you are complaining about, including the names of staff if you know them;
- Where and when the events of the complaint happened. If you are complaining about several matters, make it clear which are the most important ones;
- What, if anything, you have already done about the issues;
- What you would like from the complaint, (for example, an apology or an explanation, or changes to services).

## Can I get help in making a complaint?

If you want advice, there are people to give you help with what can be a complicated system. You can ask for advice and support from your local Community Health Council who provide a free independent advice and advocacy service. The Board of Community Health Councils in Wales can give you contact details.

If you need an interpreter, ask the person dealing with your complaint to provide this if a meeting is arranged or if you need a letter translated.

## What happens when I make a complaint?

When you make a complaint, you should receive a letter acknowledging your complaint within two working days. The person dealing with your complaint will then investigate it to find out what happened. This may mean talking to staff who have been involved in your care and looking at parts of your health records. If you object to staff looking at your records, make sure the people dealing with your complaint know this.

If you would like to talk through your complaint with those concerned, ask for a meeting. You can also ask to see your health records. Sometimes an independent lay person may offer to discuss the problem with you and the staff concerned to see ways of resolving the complaint.

Your complaint will be dealt with in confidence and will only be discussed with those who need to know. You or your family will not be penalised and your health care will not be affected by making a complaint.

You will normally receive a written reply within 20 working days of making your complaint. Sometimes it may take longer than 20 days, especially if your complaint is complicated. The person dealing with your complaint should keep you informed regularly about the time it is taking and what is happening.

## What if I am still not happy?

Once your complaint has been fully investigated by the Trust, Local Health Board or Family Health Services Practitioner, and you have received a response, if you are not happy, there are two ways in which your complaint could be dealt with further:

## 1. An Independent Review

You can ask for an independent review of your complaint by contacting the Independent Complaints Secretariat for your area. The contact details are shown below. A separate leaflet explaining the process will be sent to you, but briefly the process works as follows.

### *Review*

A trained, independent lay person, called a reviewer, will receive all the documents relating to your complaint. With advice from another lay person and a clinical adviser if necessary, the reviewer will decide if there is anything more that can be done locally to resolve your complaint, or whether an independent panel should be held to look at your complaint in more detail. The independent person will let you have their decision in writing.

### *Panel*

An independent panel may be set up to investigate your complaint if the reviewer considers that a further investigation is likely to find out more information about what happened or because your complaint has not been adequately investigated locally. If a panel is held, you will have the opportunity to put your case, in person, to the panel, which is made up of three independent lay people. Independent clinical assessors will advise the panel, but are not members of the panel. If a panel is held, a report will be produced which makes recommendations on how the organisation can improve. Panels may suggest in appropriate circumstances that NHS bodies should consider modest financial compensation, particularly if the complainant has suffered financial loss.

If you are not satisfied after either the review or panel stages, you can complain to the Public Services Ombudsman for Wales.

## 2. Investigation by the Ombudsman

Alternatively, where the treatment or care complained about was received on or after 1 April 2006, you can choose not to request an Independent Review but to take your complaint directly to the Public Services Ombudsman for Wales. The contact details for the Ombudsman are shown below.

The Ombudsman does not have to investigate your complaint but will normally do so unless it appears trivial or plainly unfounded. If he accepts your complaint, one of his investigators will make contact with you and may ask to come and see you.

The investigator will look at medical records and other documentary evidence, and may interview NHS staff involved. Clinical advice will be provided in the first instance by the professional advisers the Ombudsman shares with the Health Service Ombudsman for England. If the Ombudsman considers it necessary, he will appoint expert external assessors to advise on the clinical aspects of your complaint. An investigation report will be produced and if your complaint is upheld by the Ombudsman, he will tell the organisation concerned what he thinks it should do to put matters right. Where appropriate, this may include financial compensation.

If you decide to ask the Ombudsman to investigate, you cannot subsequently request an Independent Review of your complaint, even if the Ombudsman decides not to investigate it.

## **Contacts**

### **Independent Complaints Secretariat**

Mid and West Wales  
PO Box 2  
Brecon  
Powys LD3 OXR  
Tel: 01874 712748  
Fax: 01874 712756

South Wales  
PO Box 21  
Cardiff  
CF10 2ZR  
Tel: 029 2037 6840  
Fax: 029 20376826

North Wales  
PO Box 125  
Mold  
CH7 1WH  
Tel: 01352 700227  
Fax: 01352 754649

### **Public Services Ombudsman for Wales**

1 Ffordd yr Hen Gae  
Pencoed  
CF35 5LJ

Tel: 01656 641150  
e-mail :  
ask@ombudsman-wales.org.uk  
Website:  
www.ombudsman-wales.org.uk

## **NHS Direct**

Tel: 0845 46 47  
Website:  
www.nhsdirect.wales.nhs.uk

### **Board of CHCs in Wales**

Tel: 0845 644 7814  
Website:  
www.patienthelp.wales.nhs.uk

### **You can get copies of the leaflet from:**

Website:  
www.wales.gov.uk/nhscomplaints