

When things go wrong...

Making a complaint about health or social care services

When things go wrong, you have the right to raise a concern, comment or make a complaint.

You may wish to make a formal complaint about your own treatment or that of a relative or friend. If you are acting on someone else's behalf it is important to have their written permission as confidentiality issues may arise.

By law, both social care services and health services must have an effective and efficient process to deal with complaints, which conforms to The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The complaints procedure has two stages:

- Resolution of the complaint at local level
- Referral to an ombudsman

See page 2 for more specific information about complaints about the National Health Service (NHS) and page 3 for complaints about social care.

How do I go about making a complaint?

- Ask for a copy of the official complaints procedures, which will tell you how your complaint will be dealt with (including written responses and agreed timescales) and what to do if you are not satisfied with the outcome. This guidance may also include a form which will help you focus on the facts you need to present relating to your complaint.
- Always make a note of dates, names, meetings, phone calls or correspondence relating to your complaint.
- Contact the organisation/staff directly involved first. Your complaint should never affect the manner in which you, or the person you care for, are subsequently treated.

When can I make a complaint?

Complaints should normally be made within 12 months of an incident, or of the matter coming to your attention. Time limits may be extended provided you have good reason for not having made the complaint sooner.

What do you hope to achieve from your complaint?

People want different outcomes when they complain – an apology, an explanation, an investigation or an improvement to the service. In setting out your complaint, you need to state clearly why you are dissatisfied and what result you would like to achieve.



How should I present my complaint?

Complaints can be made verbally, in writing, by email or via the relevant website. If you make a complaint verbally, a record of your complaint will be made and you'll be provided with a written copy. If complaining on behalf of someone else you must include their written consent.

Legal action

You cannot take legal action or receive financial compensation through the NHS and local authority social care services complaints procedure. If you are considering legal action, you will need to consult a solicitor. All NHS and social care services are insured to defend the actions of their employees. You can still go through the general local complaints procedure but this is a separate process and you must tell the relevant authority if you are also taking legal action.

Complaints about NHS Services

You can complain about any aspect of NHS care, treatment or service that is arranged and financed by the NHS. Each service must be able to provide a copy of its own complaints procedure explaining how to proceed and who to contact.

Who should I contact?

Many issues can be resolved quickly by speaking directly to the staff at the place where care was received or the service accessed. Staff may be able to sort out the problem straight away or provide further information, clarification or advice to help you. If you feel satisfied with the outcome, you may decide no further action is needed.

Making a formal complaint

Contact the NHS service which has led to your complaint – a GP surgery or hospital, for example. If your complaint refers to hospital care you may wish to contact the **Patient Advice and Liaison Service (PALS)**. If your complaint refers to a primary care service such as a GP surgery, the organisation **Healthwatch** provides a similar service to PALS. See page 3 for more information about PALS and Healthwatch.

Alternatively, you can take your complaint to the commissioner responsible for arranging and funding the service. This is your local Clinical Commissioning Group (CCG). Contact details can be found on the NHS website www.nhs.uk or ask Carers' Resource.

Referral to an ombudsman

If you are still unhappy with the response to your complaint, you can refer the matter to the Parliamentary and Health Services Ombudsman. This service is independent of the NHS. Tel: 0345 015 4033 or online: ombudsman.org.uk.



Complaints about social care

If care is provided, arranged or paid for by your local council, the director of social services and the local councillors have overall responsibility. In these cases a complaint should be made using their complaints procedures.

You can contact your local council using the following numbers or online:

North Yorkshire County Council 0300 131 2 131
www.northyorks.gov.uk/your-council/get-touch/complaints-comments-or-compliments

Bradford Metropolitan District Council 01274 436820
<https://www.bradford.gov.uk/compliments-and-complaints/adult-social-care/make-a-compliment-or-complaint-about-adult-social-care/>

Bradford Children and Families Trust 01274 432090
<https://www.bradfordcft.org.uk/make-a-comment-or-complaint/parent-or-carer/>

Leeds City Council 0113 222 4405
forms.leeds.gov.uk/Complaints/

If you privately arrange or pay for your own care or get a direct payment from the local authority and use it to pay for care that you arrange yourself you can make a complaint to the organisation that is providing the care (the care provider). They will have their own complaints procedure.

If you are still unhappy with the response to your complaint, you can refer the matter to the Local Government Ombudsman.
Tel: 0300 061 0614 or online: lgo.org.uk

Where can I find help with my complaint?

Making a complaint about health and social care services can be daunting and you may feel in need of additional advice and support. Services which offer free, independent, confidential help include:

- **Citizens Advice** can support with problems with the NHS or adult social care. Both complaints procedures are detailed on their website: citizensadvice.org.uk. Alternatively, contact the Adviceline on 0800 144 8848 for more information.
- **Healthwatch** can provide information to help you to make a complaint about adult social care services or NHS services. Call 03000 683 000 or visit the website: healthwatch.co.uk
- **VoiceAbility - NHS Complaints Advocacy Service** is a free, independent and confidential service available to anyone who wants support to make their complaint to the NHS. Call 0300 3031660 or visit the website: www.voiceability.org



- **NHS Website Complaints Process** is detailed on the NHS website: www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/
- **Patient Advice and Liaison Service (PALS)** (may also be called Patient Experience Teams or Patient Relations Teams) provide advice and support to NHS patients and their relatives and carers. The PALS is based in most local hospitals.

Other complaints

The following cannot be dealt with under the terms of The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009:

Independent health care

These are services provided by private companies. By law, they must have a formal procedure in place for dealing with complaints. The Independent Sector Complaints Adjudication Services (ISCAS) publication *Making a complaint about private and independent healthcare. Patients' Guide to the ISCAS Code* is available online at: iscas.cedr.com or call 020 7536 6091.

Patients detained under the Mental Health Act

If someone is in hospital or on community treatment orders under the Mental Health Act, the Care Quality Commission (CQC) can advise and support you in making a complaint. Contact: CQC Mental Health team: 03000 616161 or online: cqc.org.uk

Legal action – clinical negligence

If you consider you have been harmed, physically or mentally, because you consider you have not received a proper standard of care, you may feel you are entitled to financial compensation. Legal action must be taken within **three years** of treatment and you will need to involve a solicitor who is experienced in clinical negligence claims.

Details of where to obtain specialist legal advice can be obtained from:

AvMA (Action Against Medical Accidents) – a charity supporting people injured by inappropriate medical treatments. Tel: 0345 1232352 or online: avma.org.uk

Law Society can help you find a solicitor who specialises in clinical claims. solicitors.lawsociety.org.uk/

Complaints about professional misconduct

If you think a medical practitioner is guilty of professional misconduct, you can make a complaint using the procedures outlined in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

Information about complaining to a professional or regulatory body is available on the Health and Care Professions Council (HCPC) website at: www.hcpc-uk.org



Important note: This information is for general guidance only – you may need to seek further advice, particularly if you are considering legal action. Carers' Resource cannot be held responsible for any action taken on the basis of information contained in this factsheet.

If you need further information or would like to discuss any aspect of your caring role, please contact Carers' Resource:

Telephone: 0808 50 15 939

info@carersresource.org

www.carersresource.org

Harrogate Unit 3, Grove Park Court, Grove Park Terrace, Harrogate, HG1 4DP

Bradford 15 Park View Court, St Paul's Road, Shipley, BD18 3DZ

Skipton Ronaldsway House, 36 Brook Street, Skipton, BD23 1PP

We can provide this information in another format. Please contact us to discuss your requirements.

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