

Complaining about a health service

Most people receive excellent care and treatment after having a stroke. However, sometimes things don't go as well as expected and you may feel upset, let down, angry or frustrated by your experience. This resource sheet explains how to make a complaint if you are unhappy with your care or treatment. It outlines who you should speak to, what to expect and where to find help and support.

Making a complaint about a healthcare service can be daunting. You may worry about making a fuss or even question whether or not you have cause to complain.

If you feel unhappy about your care or treatment or feel that you have been discriminated against, **you have the right to make a complaint**. Feedback, whether it is positive or negative, helps services to make improvements. Talking to them about your concerns could improve your current situation and help other people in the future.

Complaints: the basics

This section contains general information on complaining about a health service. This includes hospital care, a GP or a therapy service like physiotherapy. Afterwards you'll find specific information about the complaints procedure in each country of the UK.

If you have a complaint about a **care home**, **nursing home** or any service from **social services**, the first thing you should do is tell the home or social services. There must be a **complaints procedure** in place so you know what to expect and how your complaint will

be dealt with. In Northern Ireland, the same complaints procedure is used for both health and social care services but in England, Scotland and Wales the procedures are separate.

Informal complaints

Often a problem can be resolved by simply talking to the people concerned. For example, you might decide to make an informal complaint if you have not had physiotherapy for several days in hospital and have not been given a reason why. If you raise an issue like this, the staff concerned should listen to you and respond sensitively, hopefully resolving the problem there and then.

Formal complaints

If you are **unhappy with the result of your informal complaint**, or you do not want to speak to the staff involved, then you can make a formal complaint.

The health service in each country of the UK has a formal complaints procedure that should provide you with the guidance and support you need. Any member of staff

Complaining about a health service

should be able to tell you who you need to speak to in order to make a formal complaint. The complaints procedure should also be readily available for you to look at.

How do I know if I have cause to complain?

If you are unhappy about your care or treatment, but you are not sure whether you have a reason to complain or not, it may be helpful to **talk it through** with someone. This could be a friend or family member, an independent person or our Stroke Helpline (see *Useful organisations* section).

We also have a number of **publications** about stroke, which cover the care and treatment you should receive. Contact us for copies.

Our publications are based on the recommendations from **medical guidelines** that describe the care and treatment stroke survivors should receive. See *Useful resources* for details of these guidelines.

Discrimination

If you are concerned that you have been discriminated against by your hospital or a healthcare professional, then you should make a complaint. **Everyone has the right to be treated fairly** and not to be discriminated against.

The Equality Act 2010 applies to all service providers in England, Scotland and Wales. This law means that all NHS organisations will make sure health and social care services are fair and meet the needs of everyone regardless of their background or circumstances. It covers nine protected 'characteristics', which must not be used as

a reason to treat people unfairly. These are age, disability, race, sex, religion or belief, sexual orientation, gender reassignment and marriage and civil partnership.

Equality law in Northern Ireland is slightly different. If you live in Northern Ireland you must not be discriminated against because of your race, religious belief or political opinion, sex, sexual orientation, age or disability. If you feel you have been discriminated against, the Citizens Advice Bureau can provide you with further advice (see *Useful organisations*).

The Equality Act 2010 will ban **age discrimination** in services starting from 1 October 2012, which means it will be unlawful to discriminate on the basis of age. There are some exceptions, for example the NHS can target screening programmes at certain age groups as long as statistical evidence suggests they are at risk. Age UK provides information on age discrimination, specifically if you feel forced to go to a care home or accept a discharge care plan from hospital that you are unhappy with. See *Useful organisations* for their contact details.

Regulations relating to age discrimination in Northern Ireland only apply to areas of employment and education. They do not currently apply to services like health and social care.

Who can complain?

You can raise your concerns yourself but if you prefer, a family member, carer or friend can do it on your behalf. Usually you will need to give them **written consent** if you want them to make a formal complaint. However allowances will be made for people complaining on behalf of someone who is

Complaining about a health service

not able to give consent because:

- they have a brain injury, such as a stroke
- they have communication problems
- they have mental health problems or a learning disability, or
- they have passed away.

The health service will need to agree that you are a suitable representative for the person before continuing with the complaint.

How can I make a complaint?

If you decide to make a complaint, you can do it by **letter or email, over the phone or face to face**. If you live in Scotland or Wales you can complain by fax or text message. Formal complaints should usually be made to the **complaints or concerns team**. You will find further information in the specific country sections of this resource sheet. Whichever way you choose to make a complaint, include the following information:

- your contact details
- who or what you are complaining about
- where and when the event happened that has led to the complaint, and
- what action you would like to see taken.

When should I make a complaint?

You should make a complaint **as soon as possible**, and within 12 months of the problem happening (six months in Scotland). If you leave it longer than this but there is a

good reason why, for example you have been unwell, you may still be able to complain.

Can I get any support?

Yes, you can get support when making a complaint about a health service. The support available may differ depending on where you live in the UK. See the section for your country for further details.

Will making a complaint affect my care?

Making a complaint should never affect your care or treatment. Remember, if you tell the health service about your concerns, they can look at what went wrong and improve it for you and for other people. If there is any indication that your care has been affected by your complaint, you should bring this to the attention of the complaints or concerns team straightaway.

How do I complain about private treatment?

The NHS will not investigate complaints relating to private healthcare or treatment (including private dental treatment). To make a complaint about private healthcare, you can contact:

- The Care Quality Commission in England
- The Regulation and Quality Improvement Authority in Northern Ireland
- Healthcare Improvement Scotland if you live in Scotland, or
- The Healthcare Inspectorate Wales if you live in Wales.

Complaining about a health service

Concerns about professional misconduct

If you are concerned about a professional's conduct, you can complain to the **relevant professional body** for their speciality (for example the General Medical Council regulates doctors). The Council for Healthcare Regulatory Excellence has a list of all the professional bodies in the UK available on their website. If you would like more information or support to do this, you can contact the Citizens Advice Bureau (see the *Useful organisations* section for their contact details).

Complaints procedure in England

If you are unhappy about your care or treatment in England, you can raise your concerns with the **Patient Advice and Liaison Service (PALS)**. PALS will try to resolve any problems or concerns before they become more serious. They will listen to you, talk through the issues you have highlighted and try to offer solutions. They may be able to help you by simply listening, giving you information or speaking to the relevant members of staff.

PALS can also explain how to make a formal complaint, if you wish to do so, and where you can find independent help and support. Most PALS offices are in local hospitals. To find your nearest office contact your local hospital, call NHS Direct or visit the PALS website. (See *Useful organisations* section.)

To make a **formal complaint** about an NHS service in England you need to contact the **complaints manager** (a PALS adviser or any member of staff will be able to tell

you who that is). Once you have made a formal complaint you should receive an acknowledgement from the complaints manager within three working days, either verbally or in writing. You will be told how your complaint will be investigated, how long it will take to complete and when you should receive a written response. If the investigation takes longer than six months, you should be told and given a reason why.

If you need help with your complaint, you can contact the **Independent Complaints Advocacy Service (ICAS)**. An ICAS advocate will support you through the complaints process and help you to understand all of your options. They provide a free, independent and confidential service, but they do not offer medical or legal advice.

For details of your local ICAS office, ask PALS or see the *Useful organisations* section at the end of this resource sheet.

If you are unhappy with the outcome, after following the NHS complaints procedure, you can contact the **Parliamentary and Health Service Ombudsman**. Their role is to look into complaints where government bodies, like the NHS in England, have not acted properly or have provided a poor service. Their contact details are listed at the end of this resource sheet.

Complaints procedure in Northern Ireland

To complain about care or treatment in Northern Ireland contact the **complaints manager** for the trust you live in. A member of staff will be able to tell you who this is. You should receive an acknowledgement of your complaint within two working days and

Complaining about a health service

a response within 20 working days. If you have made a complaint about a GP, dentist, pharmacist or optician you should receive a full response within 10 days. If it will take longer, you should be told and given a reason why.

For support with raising your concerns, you can contact the **Patient Client Council (PCC)**. The PCC can help you raise concerns about any aspect of your health and social care. They can provide you with information on how to complain, help you to write letters, make telephone calls on your behalf and accompany you to meetings. They will ensure that your concerns are being listened to and dealt with. See the *Useful organisations* section for their contact details.

After following the complaints procedure, if you are still unhappy with the outcome you can contact the **Northern Ireland Ombudsman**. They will investigate complaints from people who feel they have experienced an injustice or hardship as a result of the actions of the health and social care service. Their contact details are listed at the end of this resource sheet.

Complaints procedure in Scotland

If you are unhappy with your care or treatment in Scotland, then you can ask to speak to a senior member of staff at the place you received the treatment, or the **complaints officer**. If you make a **formal complaint**, it should be acknowledged in writing within three working days. The complaints officer should explain in the letter how your complaint will be investigated and you should be given the opportunity to talk to the member of staff

concerned once again. You will also be provided with information about support and advocacy services in your area.

If you need help or support in raising your concerns, you can contact the **Independent Advice and Support Service (IASS)**. This is part of the Scottish Citizens Advice Bureau service. IASS can help you to raise your concerns with the staff involved in your care, or to make a formal complaint. They will support you, your carers and family members by helping you find the information that you need. They will advise you on what options are available and support you with any decisions you make. They can also arrange for additional support if you have special needs. To contact your local IASS, call your local Citizens Advice Bureau or look at the *Useful organisations* section.

If you are unhappy with the outcome of the investigation into your complaint, you can contact the **Scottish Public Service Ombudsman (SPSO)**. If they agree to look into your complaint, they will establish what went wrong and make recommendations for the future. Their contact details are listed at the end of this resource sheet.

Complaints procedure in Wales

To make a **formal complaint** about care or treatment in Wales you should contact your **Local Health Board's concerns team** (sometimes called the complaints team). You can ask a member of staff at the hospital or your GP's surgery for their contact details.

The concerns team should acknowledge your complaint within two working days and respond within 30 working days. If it will

Complaining about a health service

take longer than 30 days to investigate your complaint, you should be told and given a reason why.

If you would like support with making a complaint, you can contact your local **Independent Complaint Advocacy Service**, which is provided by the **Community Health Council (CHC)**. Your local complaint advocacy service will give you information about the complaints procedure, make enquiries on your behalf, and act as a 'patient's friend' or representative if you wish to make a formal complaint. All NHS staff should be able to signpost you to this service. The CHC can also give you their contact details. See the *Useful organisations* section.

If your concern has been looked into and you are still not happy with the response then you can contact the **Public Services Ombudsman for Wales**. The Ombudsman has legal powers to look into complaints about NHS services in Wales. If you feel that you have been treated unfairly or received a bad service, or if it has taken too long for your concern to be dealt with, you can ask the Ombudsman to investigate. Their contact details are listed at the end of this resource sheet.

I want to take legal action about my complaint – can I do this?

You may consider taking legal action about your complaint. However **this can be a long, complicated and expensive process**. The Citizens Advice Bureau can help you find a solicitor with experience in this field, or you can contact the Disability Law Service (for England and Wales). Make sure you discuss the potential costs before going ahead. You should also be aware that Ombudsmen will

generally not investigate any complaints if you are already taking legal action. Carefully consider whether this is your best course of action.

Useful resources

From the Stroke Association

We have published a *Stroke survivors' declaration*, a guide written by stroke survivors to help you to be aware of the care and support you should expect. You can download it from our website or contact us for a copy.

Guidelines

The Royal College of Physicians (RCP) has produced the *National clinical guideline for stroke* (July 2008) – for England, Northern Ireland and Wales. A patient information leaflet based on these is also available, *Care after stroke or transient ischaemic attack (TIA)*. See www.rcplondon.ac.uk

The Scottish Intercollegiate Guidelines Network (SIGN) have produced *Management of patients with stroke or TIA* (December 2008) – for Scotland. See www.sign.ac.uk

Useful organisations

Stroke Association

Stroke Helpline: 0303 30 33 100

Email: info@stroke.org.uk

Website: stroke.org.uk

Contact us for information about stroke, emotional support and details of local support groups and services.

Age UK

Tel: 0800 169 6565

Website: www.ageuk.org.uk

Gives advice to older people about many

Complaining about a health service

issues including age discrimination. Has a number of local services across the UK.

Action against Medical Accidents

Helpline: 0845 123 2352

Website: www.avma.org.uk

An independent charity for people who have been affected by medical accidents. Can refer people to their panel of specialist clinical negligence solicitors.

Citizens Advice Bureau

Website: www.citizensadvice.org.uk

Helps people resolve legal, financial and other problems. See their website for details of local branches.

Council for Healthcare Regulatory Excellence

Tel: 020 7389 8030

Website: www.chre.org.uk

Has a list of all the healthcare regulatory bodies in the UK.

Disability Law Service

Tel: 020 7791 9800

Website: www.dls.org.uk

Provides legal advice to people living in England and Wales on many issues including disability discrimination.

England

NHS Direct

Tel: 0845 46 47

Website: www.nhsdirect.nhs.uk

Call NHS Direct for health information and details of your nearest PALS office.

Patient Advice and Liaison Service (PALS)

Website: www.pals.nhs.uk

Their website contains details of all local PALS offices, but they do not give advice.

Independent Complaints Advocacy Service (ICAS)

The following three organisations provide support to people who wish to make a complaint about the NHS. Contact the one covering your area for details of local offices.

- **Pohwer**

Website: www.pohwer.net

Covers: West Midlands, London and East England.

- **SEAP**

Tel: 0330 440 9000

Website: www.seap.org.uk

Covers: South East and South West.

- **The Carers Federation Head Office**

Tel: 0115 962 9310

Website: www.carersfederation.co.uk

Covers: North West, North East, East Midlands and Yorkshire and Humberside.

Parliamentary and Health Service Ombudsman

Tel: 0345 015 4033

Website: www.ombudsman.org.uk

Investigates complaints about the NHS in England.

Care Quality Commission

Tel: 03000 61 61 61

Website: www.cqc.org.uk

An independent regulator of all health and social care in England.

Northern Ireland

Patient Client Council

Tel: 0800 917 0222

Website: www.patientclientcouncil.hscni.net

Supports people who wish to make a complaint about health services in Northern Ireland. They have four offices covering the

Complaining about a health service

whole of Northern Ireland.

Northern Ireland Ombudsman

Tel: 0800 34 34 24

Website: www.ni-ombudsman.org.uk

Investigates complaints in the health and social care sector.

The Regulation and Quality Improvement Authority

Tel: 028 9051 7500

Website: www.rqia.org.uk

An independent body responsible for monitoring and inspecting health and social care services in Northern Ireland.

Scotland

Independent Advice and Support Service (IASS)

Tel: 0131 550 1000

Website: www.cas.org.uk

Provides advice and support to people making a complaint about NHS Scotland services

Scottish Public Service Ombudsman (SPSO)

Tel: 0800 377 7330

Website: www.spso.org.uk

Deals with complaints about NHS Scotland services, housing associations, the Scottish Government and its agencies.

Produced by the Stroke Association's Information Service.

For sources used, visit stroke.org.uk

© Stroke Association

Resource sheet 8, version 1, published August 2012 (next revision due June 2013).

Item code: A01R8

The Stroke Association is a Company Limited by Guarantee, registered in England and Wales (No 61274).

Registered office: Stroke Association House, 240 City Road, London EC1V 2PR. Registered as a Charity in England and Wales (No 211015) and in Scotland (SC037789). Also registered in Northern Ireland (XT33805) Isle of Man (No 945) and Jersey (NPO 369).

Healthcare Improvement Scotland

Tel: 0131 623 4300

Website:

www.healthcareimprovementscotland.org

Supports healthcare providers in Scotland to deliver high quality care. If you have any concerns about private treatment you have received, you can contact them.

Wales

Board of Community Health Council (CHCs)

Tel: 0845 644 7814 / 02920 235 558

Website: www.wales.nhs.uk

Provides help and advice with problems or complaints with the NHS.

Public Services Ombudsman for Wales

Tel: 0845 601 0987

Website: www.ombudsman-wales.org.uk

Investigates complaints about NHS services in Wales.

Healthcare Inspectorate Wales

Tel: 029 209 28850

Website: www.hiw.org.uk

The independent regulator of all healthcare in Wales.

Disclaimer: The Stroke Association provides the details of other organisations for information only. Inclusion in this factsheet does not constitute a recommendation or endorsement.



This organisation has been certified as a producer of reliable health and social care information.

www.theinformationstandard.org