



# Complaining about health and social care

Explains what you can do if you experience a problem with the health or social care you receive or think you should have received. Applies to England and Wales.

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## Overview

Some people might experience a problem with the health or social care they receive, either during the course of their care, or before or after it. If this happens to you, there are some useful steps you can take to try to improve your situation.

### Quick facts

- If you want to make a complaint about care or treatment you receive, or think you should have received, firstly it's important to work out:
  - whether the complaint is about [health care or social care](#)
  - [who is making the complaint](#), and ○ [who you make your complaint to](#)

(If your complaint is about being [detained in hospital under the Mental Health Act](#), the complaints process might be slightly different.)

- You should try to make your complaint [as soon as possible](#) after the event happened – usually the time limit is **12 months** from when the event happened, or you first became aware of it.
- To make a complaint, there are three steps you can take:
  1. [Speak to someone informally](#)
  2. [Make a formal complaint](#)
  3. [Make a legal challenge](#)

It's usually best to try these in this order, since it's much easier to solve something informally or through a formal complaint than by making a legal challenge.

- You can also make a complaint to the [health and social care regulators](#). These are organisations set up to protect the public so that whenever you see a health or social care professional, you can be confident that they are of a professional standard.
- If you want to complain about [private health or social care](#) you have received, you won't be able to use the NHS complaints system (unless the NHS commissioned the private service on your behalf and are paying for it). In this case, you will need to find out the specific complaints procedure of your private provider and follow it.
- Making a complaint can be stressful, so you might want to have extra support, advice or information. There are lots of organisations that provide [advice and advocacy services](#) that you could get in touch with.

## Please note

- This guide covers complaining about health and social care from the point of view of a person with a mental health problem.
- This guide applies to England and Wales.
- This guide contains general legal information, not legal advice. We recommend you get advice from a specialist legal adviser or solicitor who will help you with your individual situation and needs. See [Useful contacts](#) for more information.

# Terms you need to know

Term	Meaning
<b>Clinical commissioning groups (CCGs)</b>	CCGs are groups of GP practices and other healthcare professionals and bodies that are responsible for commissioning most health and care services for patients. They have replaced Primary Care Trusts (PCTs) in England.
<b>Clinical negligence</b>	A clinical negligence claim is when you make a claim for compensation because the care you received from a professional was negligent.
<b>Community treatment order (CTO)</b>	<p>If you have been sectioned and treated in hospital under certain sections, your responsible clinician can apply for you to be put on a CTO. This means that you can be discharged from the section and leave hospital, but you might have to meet certain conditions such as:</p> <ul style="list-style-type: none"> <li>• living in a certain place</li> <li>• going somewhere for medical treatment</li> </ul> <p><a href="#">See our pages on CTOs</a> for more information.</p>
<b>Health care decisions</b>	<p>Health care decisions are made by people like GPs, nurses and hospital managers. These can include decisions like:</p> <ul style="list-style-type: none"> <li>• the information you've been given about your treatment</li> <li>• your discharge from hospital, or</li> <li>• how long you've waited for treatment</li> </ul>
<b>Human Rights Act 1998 (HRA)</b>	<p>This is a law that the government has brought in to protect our human rights in the UK.</p> <p><a href="#">See our pages on the Human Rights Act</a> for more information.</p>
<b>Local health board (LHBs)</b>	These are organisations in the health service in Wales that have been set up to develop and provide health services based on the needs of the local community.
<b>Mental Health Act 1983 (MHA)</b>	<p>This is a law that applies to England and Wales which allows people to be detained in hospital (sectioned) if they have a mental illness and need treatment. You can only be kept in hospital if certain conditions are met.</p> <p><a href="#">See our pages on the Mental Health Act</a> for more information.</p>
<b>Ombudsman</b>	An ombudsman is an official appointed to investigate someone's complaint against a company or organisation, especially a public authority. The ombudsman is independent of the NHS, providers of care, local authorities and the government.

<b>Public authorities</b>	<p>These are organisations whose role is of a public nature. This includes:</p> <ul style="list-style-type: none"> <li>• police</li> <li>• NHS hospitals and employees</li> </ul>
	<ul style="list-style-type: none"> <li>• local authorities and their employees</li> <li>• some nursing and personal care accommodation providers □ prison staff</li> <li>• courts and tribunals, including Mental Health Tribunals</li> <li>• government departments and their employees</li> <li>• statutory bodies and their employees (for example the Information Commissioner’s Office)</li> </ul>
<b>Public sector equality duty</b>	<p>This is the legal duty which public authorities like councils, NHS hospitals and government departments have to follow. It means they have to consider how their policies and practices affect people with protected characteristics, like people with mental health problems.</p> <p>Private or voluntary organisations also have to follow the public sector equality duty when they carry out a public function on behalf of public authorities. For example, a private firm that is employed by a local council to collect council tax arrears needs to follow the public sector equality duty.</p>
<b>Regulator (health and social care)</b>	<p>Health and social care regulators oversee the health and social care professions by regulating individual professionals.</p> <p>These organisations are set up to protect the public so that whenever you see a health or social care professional, you can be confident that they are of a professional standard.</p>
<b>Section</b>	<p>In this guide, this means that you are kept in hospital under the Mental Health Act. There are different types of sections, each with different rules to keep you in hospital. The length of time that you can be kept in hospital depends on which section you are detained under.</p> <p><a href="#">See our pages on sectioning</a> for more information.</p>
<b>Social care decisions</b>	<p>Social care decisions are made by people like social workers, nurses or support workers. These can include decisions like:</p> <ul style="list-style-type: none"> <li>• how you have been assessed for social care</li> <li>• a refusal to provide a particular service in your area</li> <li>• inappropriate behaviour of staff in social service</li> </ul>

# Where to start

- [What can I do if I have a problem with my health or social care?](#)
- [Who can complain?](#)
- [Who do I complain to?](#)
- [When can I complain?](#)
- [What if my complaint is about being under a section of the Mental Health Act?](#)

## What can I do if I have a problem with my health or social care?

If you experience a problem with the health care or social care you receive, or about how your personal information is managed, there are steps you can take to try to improve your situation.

Firstly, it's important to work out whether your problem is about [health care](#) or [social care](#), because this will determine who you make your complaint to.

### What are health care decisions?

Here are some examples of healthcare decisions. There are more examples that aren't listed, this is just to give you an idea:

Health care decisions are made by people like:	Examples of health care decisions you might complain about:
<ul style="list-style-type: none"> <li>• GPs</li> <li>• nurses (for example, community mental health nurses, district nurses or practice nurses)</li> <li>• clinical psychologists</li> <li>• psychiatrists</li> <li>• hospital managers</li> <li>• occupational therapists</li> <li>• speech and language therapists</li> <li>• dentists and opticians</li> </ul>	<ul style="list-style-type: none"> <li>• you haven't been given information about your treatment, or something you think you should have by NHS staff</li> <li>• you feel your visiting hours are too restricted and you haven't been given a good reason</li> <li>• you feel you're being discriminated against</li> <li>• your discharge from hospital – how it's been done, or when it's happening</li> <li>• you think NHS staff have behaved inappropriately</li> <li>• you think a health professional didn't seek your informed consent before giving you medication</li> <li>• you've waited a long time for your treatment</li> <li>• you think the health professionals are</li> </ul>

	<p>ignoring some of your symptoms</p> <ul style="list-style-type: none"> <li>□ you feel your wishes and preferences about your treatment are being ignored</li> <li>□ you think your diagnosis is wrong</li> <li>□ you think the health care you have been given was inadequate, for example you don't think you were looked after properly in hospital</li> <li>□ you are worried about who is accessing your medical records</li> <li>□ you want to dispute a diagnosis made by a professional because you disagree with them</li> <li>□ a refusal to provide a particular service in your area</li> </ul>
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You can make a complaint about your health care whether you are receiving it in:

- the community at home
- supported accommodation
- a care home
- hospital (this includes if you are detained in hospital under the Mental Health Act, also known as being [sectioned](#))

When you complain about healthcare to the NHS, you can complain about any aspect of your care, treatment or services received from them. The process is different if you are complaining about [private health care](#).

### What are social care decisions?

Here are some examples of social care decisions. There are more examples that aren't listed, this is just to give you an idea:

<b>Social care decisions are made by people like:</b>	<b>Examples of social care decisions you might complain about:</b>
<ul style="list-style-type: none"> <li>• social workers</li> <li>• social care workers (for example, homecare workers)</li> <li>• occupational therapists</li> <li>• support workers</li> <li>• nurses (for example, community mental health nurses, district nurses or practice nurses)</li> </ul>	<ul style="list-style-type: none"> <li>• whether or not you should be assessed for social care by social services</li> <li>• how you have been assessed for social care</li> <li>• you think there have been long</li> </ul>



<ul style="list-style-type: none"> <li>□ other advisers in the non-profit sector who work in social care, for example debt advisors</li> </ul>	<p>delays in providing an assessment or services</p> <ul style="list-style-type: none"> <li>□ you don't think a service the local authority is delivering meets your needs</li> <li>□ you feel you are being discriminated against</li> <li>□ the local authority has refused to assess your needs (or those of your carer)</li> <li>□ you think the behaviour of staff in social service has been inappropriate</li> <li>□ whether you should be paying for some of your care</li> <li>□ a refusal to provide a particular service in your area</li> </ul>
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You can complain about social care that you are receiving or think you should be receiving, or a decision by the local authority that affects you. This is the case whether you are living in:

- the community and receiving some support at home
- supported accommodation, or
- a care home

## Who can complain?

A complaint can be made by:

- **you** – if you have used the health or social care services, you have the right to complain about your experience. For example, you might want to complain about delays, the quality of service or a refusal to provide a service.
- **a carer, friend or family member** – carers, friends or family of someone receiving a service from the NHS or the local authority also have the right to complain if they are affected or likely to be affected by what has gone wrong.
- **someone else on your behalf** – as long as they provide some evidence of your written consent with the complaint. There are some instances where they don't need written consent, for example if you are under 18, or you can't make the complaint yourself because you don't have the capacity to complain at that time ([see our information on the Mental Capacity Act](#)). A complaint can also be made on someone's behalf without their written consent if they have passed away.

## Who do I complain to?

Who you make your complaint to will depend on:

- the type of care you are complaining about ([health care](#) or [social care](#))
- where the event took place (England or Wales)

If your complaint involves more than one organisation, you can make the complaint to just one of them and they should let the other organisation(s) know.

Type of care your complaint is about	Where the event took place	Who you would complain to
Health care England <input type="checkbox"/>	<b>Commis</b>	<p><input type="checkbox"/> <b>Care provider:</b> for example, the hospital, care home or organisation providing the service, treatment or other care.</p> <p><a href="#">clinical commissioning group (CCG)</a> for a hospital or NHS England for a GP or other primary care services.</p>
Health care (In Wales, this kind of complaint would be referred to as 'raising a concern'.)	Wales	<ul style="list-style-type: none"> <li>• <b>Care provider:</b> for example, the hospital, care home or organisation providing the service, treatment or other care.</li> <li>• <b>Body responsible for providing care:</b> the Local Health Board. There are seven of these across Wales, <a href="#">see their website</a> for a full list.</li> </ul>
Social care	England or Wales	<ul style="list-style-type: none"> <li>• <b>Care provider:</b> for example, the care home or organisation providing the service or other care.</li> <li>• <b>Body responsible for providing the care:</b> the local authority.</li> </ul>

It can be useful to complain directly to the provider, who is often seeking feedback on how they are doing as well. However, if you are worried about the impact on you if you make a complaint directly to a provider (for example, you are worried it might annoy the doctor or nurse involved in your care), you can complain directly to the commissioning organisation instead.



### Example

Amelia wasn't happy about some of the care she was receiving from her GP. She wanted to make a complaint to the GP surgery, but was very worried about doing this as she had heard of someone being struck off her GP's register for making a complaint.

Once she had found out she could complain to the commissioning body instead, she decided to make her complaint to the NHS England about her GP surgery so that she didn't have to worry about this. It was investigated and her GP apologised.

### When can I complain?

You should try to make your complaint as soon as possible after the event or events have happened. However, the time limit for a making a complaint is normally **12 months** from when:

- the event happened, or
- you first became aware of it

If you have missed both of these deadlines, you may still be able to complain if you have a good reason and it is still possible to investigate the complaint fairly and effectively.

These timescales apply whether you are in England or Wales, and whether your complaint is about health care or social care.

#### **My problem is urgent, what can I do?**

If your problem is urgent, you should try to get legal advice from a solicitor about your next steps. This is because sometimes you might be able to make a legal challenge without having made a complaint, or you can do the two together.

There are strict time limits to issue a legal challenge, so it's important you seek legal advice if you think is something you might want to do.

See our page on [speaking to a solicitor](#) to find out more.

## What if my complaint is about being under a section of the Mental Health Act?

If you are kept in hospital under a section of the Mental Health Act, you may want to challenge the reason why you have been sectioned, or complain about your care and treatment in hospital.

### Challenging your section

If you want to challenge your section, the Mental Health Act provides a few ways for you to do this. You would not use the NHS complaints system to make these sorts of challenges.

- **If you want to challenge your section** because you don't think you should be made to stay in hospital, see our pages on [sectioning](#) and [leaving hospital](#).
- **If you want to challenge your CTO** because you don't think you should be receiving supervised treatment in the community, see our pages on [ending your CTO](#).

### Complaining about care and treatment

If you want to complain about how you have been looked after while you have been in hospital under the Mental Health Act, here are steps you can take:

- Firstly you can follow the steps in [how to make a complaint](#).
- You can also complain to the [health care regulator](#), as they have a special responsibility to make sure the [Mental Health Act is followed correctly](#).

For more information, see our pages on [sectioning](#), or the [Mental Health Act](#).

## How to make a complaint

- [How do I make a complaint?](#)
- [How do I speak to someone informally about my problem?](#)
- [How do I make a formal complaint?](#)
- [What should I expect if I make a formal complaint?](#)
- [What can I do if my formal complaint hasn't worked?](#)

### How do I make a complaint?

Broadly, there are three steps you can take to address your problem. These are:

1. [Speak to someone informally](#)
2. [Make a formal complaint](#). If making a formal complaint doesn't resolve your problem, you may want to take your complaint to an [ombudsman](#). You can also tell the [regulator](#) about your problem at this stage.

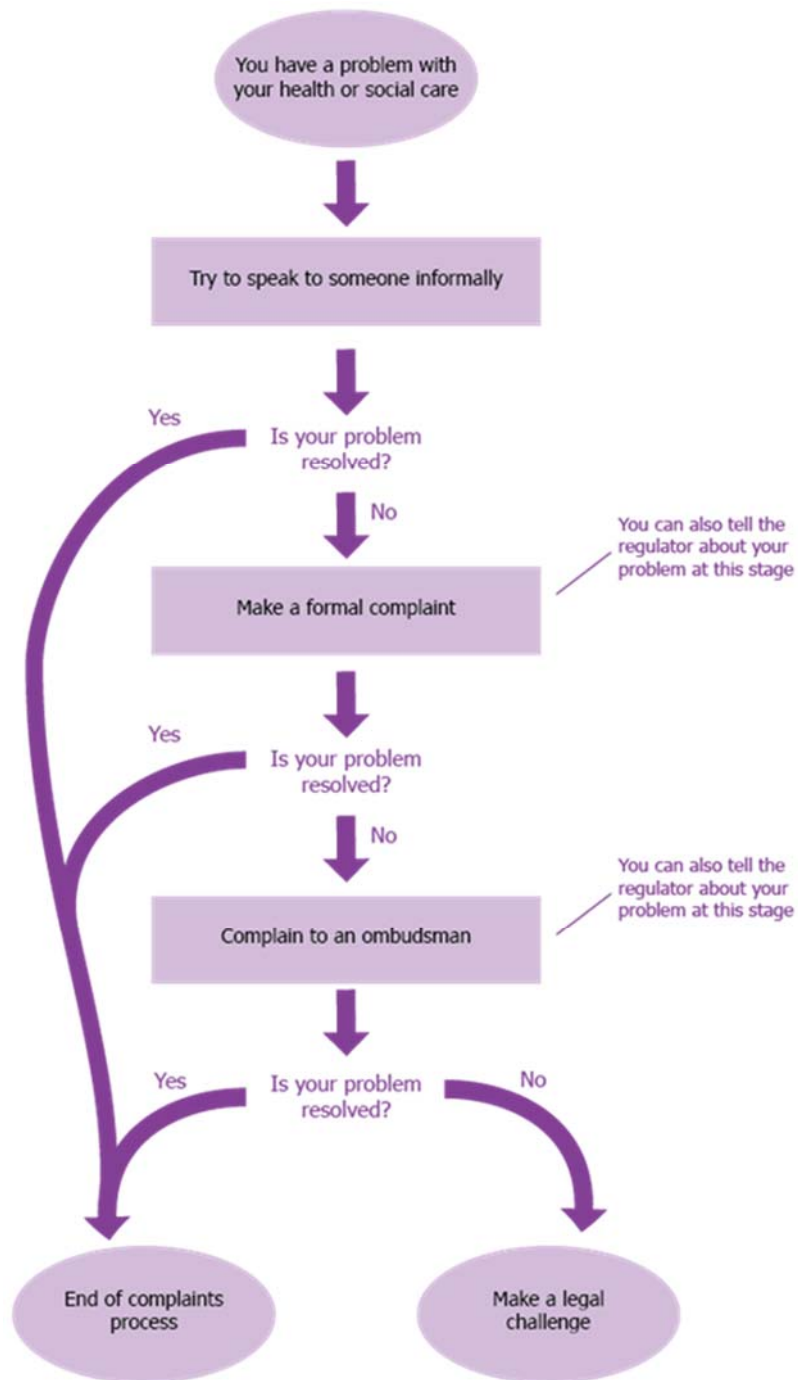
### 3. [Make a legal challenge](#)

It's usually best to try these in this order, since it's much easier to solve something informally or through a formal complaint than by making a legal challenge. Often you must have tried the first two steps before you can make a legal challenge anyway.

#### **Flowchart: How do I make a complaint?**

##### **Please note**

- If your problem is urgent, you should [seek legal advice](#).
- If you are being kept in hospital under a [section](#) of the Mental Health Act, and you want to challenge your section, you would [follow a different process](#).



## How do I speak to someone informally about my problem?

If you have found that you have a problem with your health or social care, you should first try to speak to the provider informally. This can be a much easier and less stressful way to get your problem solved, and it is often the quickest too.

Here are some tips for speaking to someone informally about your problem:

- **Have a conversation with the person most involved in your care.** Try talking to them about your concern. A useful way to do this could be to set up a meeting with them.
- **Make some notes before the meeting about what you want to say.** This could help you if you're worried about what to say, or worried you might forget something important.
- **Get someone you know to come with you,** like a family member or friend. They could come with you to the meeting and help support you. See our page on [getting support](#) for more information on other kinds of help you could ask for.

**If you are in Wales** and complaining about adult social care, the local authority must always offer to discuss a complaint to try and resolve it. This discussion must take place within **10 working days** of the informal complaint and is aimed at trying to get a quick and successful resolution of most complaints.

## How do I make a formal complaint?

If you've already tried speaking to someone informally, and that didn't work, you can look at making a formal complaint.

You can make a formal complaint in any of these ways:

- **Speaking to someone** and telling them that you would like to make a formal complaint, as well as telling them what it is about. If you do this, the organisation is allowed to write down your complaint themselves and they must give you a copy of their written record.
- **Writing a letter**
- **Sending an email**

You should try to write down your complaint if you can, or get someone to help you do this. This way, you can make sure everything you want in your complaint is included. If you want to, you could also [get some support](#) when making a complaint.

### **Tips for writing a formal complaint**

- Date the letter of complaint.
- Provide your name and address.
- Give a clear account of what happened and what went wrong.
- Include all the relevant facts such as dates and names but try to keep the letter concise.
- Attach copies of relevant documents or photographs and list the items enclosed in the letter.
- Explain what the solution you would like is, for example, an apology, better service or explanation.
- Keep the tone polite.
- Identify the date by which you expect a reply.
- Keep a copy of the letter and anything else you included with the letter.
- Send the letter by recorded delivery.

If your complaint is about a particular professional, you might also want to make a complaint to the [organisation that regulates that person](#).

### **Getting copies of your medical or social care records**

Depending on what you are complaining about, you might find it helpful to get a copy of your medical records or your social care records before you make a complaint.

You are entitled to ask organisations what information they hold on you, including asking for a copy of your records (see our pages on [personal information](#) to find out more).

If you are worried about how someone has handled your medical records or other personal information, you can complain directly to the Information Commissioner's Office (see our pages on [personal information](#) to find out more).

### **What should I expect if I make a formal complaint?**

Generally, if you make a complaint, you should expect:

- your complaint to be dealt with efficiently
- your complaint to be properly investigated
- action to be taken if necessary
- to be treated with respect and courtesy
- to receive, as far as possible, assistance to help you understand the procedure and advice on where to get support
- to be told the outcome of the investigation of your complaint
- to be given a timely and appropriate response

Here is some more information on what to expect depending on where you make your complaint:



Where your complaint takes place	What your complaint is about	What you should expect
Wales	Adult social care	a response within 25 days of making a formal complaint
Wales	Health care (In Wales, this is referred to as 'raising a concern')	<ul style="list-style-type: none"> <li>notification that your concern has been received within two working days, and</li> <li>a final reply within 30 days of the date the organisation received your concern</li> </ul>
England	Health or social care	<ul style="list-style-type: none"> <li>your complaint should be acknowledged within three working days from when it's received (orally or in writing)</li> <li>when it's acknowledged, you should be told how it will be handled, how long it will take and when you should get a response</li> </ul>

### What can I do if my formal complaint hasn't worked?

If you don't feel like your formal complaint has been dealt with effectively, you can [make a complaint to the ombudsman](#). This is the next step for trying to get your complaint resolved.

Separately, you could also approach a [health or social care regulator](#), or a [professional regulator](#) if your complaint is about an individual. These won't solve your complaint but may inform the regulator's decision to investigate that organisation or person.

If your complaint is about the care and treatment you received while you were kept in hospital ([sectioned](#)) under the Mental Health Act, you should always tell the [health care regulator](#).

You may also be able to make a [legal challenge](#), although the rules and timelines around this are very strict.

# Ombudsman

- [When would I make a complaint to an ombudsman?](#)
- [What is an ombudsman?](#)
- [When will an ombudsman take on a case?](#)
- [Which ombudsman should I complain to?](#)
- [What can I do if this hasn't resolved my complaint?](#)

## When would I make a complaint to an ombudsman?

If the [formal complaints procedure](#) does not resolve your complaint about your health or social care, this can be very frustrating and sometimes upsetting. However, there are other actions you can take. One of these is asking the relevant ombudsman to investigate your complaint.

## What is an ombudsman?

An ombudsman is an official appointed to investigate someone's complaint against a company or organisation, especially a [public authority](#). The ombudsman is independent of the NHS, providers of care, local authorities and the government.

Ombudsmen do not have any power to enforce their recommendations, but their recommendations are almost always followed.
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## When will an ombudsman take on a case?

An ombudsman does not have to take on a case. Generally, they won't investigate your complaint if:

- you have not been through the [formal complaints procedure](#) first with the care provider, NHS or local authority
- you make your complaint outside of 12 months from the date of the event(s), unless there is a special reason for the delay
- your complaint is already the subject of legal proceedings (or sometimes when it could become the subject of legal proceedings)

## Which ombudsman should I complain to?

The ombudsman you complain to will depend on where you are and what you are complaining about:

<b>What are you complaining about?</b>	<b>If you're not happy with how your original complaint has been resolved, you can take your complaint to the:</b>
Health care in England	<a href="#">Parliamentary and Health Service Ombudsman</a>
Social care in England	<a href="#">Local Government Ombudsman</a>

Health care in Wales	<a href="#">Public Services Ombudsman</a>
Social care in Wales	<a href="#">Public Services Ombudsman</a>
How your personal data has been looked after, in England or Wales	Information Commissioner's Office (ICO) – see our information on how to complain to the ICO <a href="#">here</a> .

### **Parliamentary and Health Service Ombudsman (England)**

The Health Service Ombudsman is part of the [Parliamentary and Health Service Ombudsman](#). The Ombudsman makes final decisions about complaints that have not been resolved by the NHS in England.

If you make a complaint to the Health Services Ombudsman and it upholds your complaint, it can make recommendations to the NHS to put things right. This could include asking it to:

- make an apology
- acknowledge its mistakes
- make a payment

It can also ask the organisation to show how it will prevent this happening again so that other people don't have to go through the same situation.

If the complaint also concerns social care then the [Local Government Ombudsman](#) will jointly review the case.

You can't apply to the Health Service Ombudsman if your care was [private](#), unless it was funded by the NHS.

### **Local Government Ombudsman (England)**

The [Local Government Ombudsman](#) makes final decisions about complaints that have not been resolved by a local authority in England about adult social care.

The Ombudsman can investigate complaints that:

- the council has not provided a service which it has a duty to provide
- there has been a failure in providing a service
- there has been maladministration connected with action taken by or on its behalf

If the Ombudsman does uphold your complaint, then they can request the council to put things right. This could include asking it to:

- make an apology
- provide a service you should have had
- make a decision that it should have done before
- improve their procedures
- make a payment

If the complaint also concerns health care then the [Health Service Ombudsman](#) will jointly review the case. You can still complain to the Local Government Ombudsman about social care, even if the care was [private](#).

## Public Services Ombudsman (Wales)

The [Public Services Ombudsman](#) investigates all complaints about public services in Wales, including those made against the NHS, the local authority and independent care providers.

When you submit a complaint, the Public Services Ombudsman aims to:

- let you know whether it is able to investigate your complaint within six weeks
- check if there are any quick actions it could ask the organisation to make to resolve the situation

If the Ombudsman does uphold your complaint, then they can request the council to put things right. This could include asking it to:

- make an apology
- improve their procedures
- make a payment

## What can I do if this hasn't resolved my complaint?

If you feel like your complaint has not been dealt with by the ombudsman, you have some other options. You can:

- [raise it with a regulator](#)
- [make a legal challenge](#)

# Regulator

- [When would I tell a health or social care regulator about my complaint?](#)
- [What is a health or social care regulator?](#)
- [What can I do if my complaint is about a particular professional?](#)
- [What can I do if this hasn't resolved my complaint?](#)

## When would I tell a health or social care regulator about my complaint?

If you are making a [formal complaint](#) or complaining to the [ombudsman](#), you can also tell your health or social care regulator about your issue (see our [flowchart](#)).

Telling a regulator about a health or social care issue you've had won't solve your individual complaint, but it might help them move an investigation up their priority list, or look into more serious concerns.

You should also always tell your health care regulator if your complaint is about the [use of powers under the Mental Health Act](#).

## **What is a health or social care regulator?**

Health and social care regulators oversee how health and social care is provided. They do this by regulating and monitoring the providers of that care. These organisations are set up to protect the public, so that whenever you see a health or social care professional, you can be confident that they are of a professional standard.

Examples of providers whose care will be regulated and monitored include:

- care homes
- hospitals
- supported accommodation

Similarly (but not the same), professionals working in health and social care must also be regulated and follow a code of conduct. If your problem is about a specific individual's conduct or behaviour, one of your options can be to complain to their [professional regulatory body](#) about their delivery of health or social care.

The health and social care regulators in England and Wales are:

- [Care Quality Commission \(CQC\)](#)
- [Health Inspectorate Wales \(HIW\)](#)
- [Care and Social Services Inspectorate of Wales \(CSSIW\)](#)

## Making complaints about the Mental Health Act

If you are unhappy about how you've been treated while detained in hospital under the Mental Health Act ([sectioned](#)), and you haven't had your problem resolved by [making a complaint](#), you might want to complain to the health care regulator (the [CQC](#) in England, or the [HIW](#) in Wales).

Health care regulators have a special responsibility to:

- make sure your rights are protected if you are detained under the Mental Health Act
- make sure the Mental Health Act is used correctly by professionals
- employ individuals to visit places where someone is detained under the Mental Health Act, meeting with them in private. They can also meet with someone on a CTO ([see our pages on CTOs](#) for more information).
- investigate complaints made about the use of the Mental Health Act by patients who are liable to be kept in hospital under the Mental Health Act or are living in the community but are subject to a CTO
- accept complaints from staff and the public

The CQC publishes an [annual report](#) about the use of the Mental Health Act in England.

### Care Quality Commission (CQC)

The CQC is the regulator of health and social care in England. It does not investigate or resolve individual complaints, but you can contact them if you feel that you, or someone you know, have received poor care.

The CQC registers, monitors and routinely inspects all hospitals, care homes and home care agencies to make sure they meet national standards of quality and safety. All providers of health and social care are required to be registered with the CQC and its reports on each provider are [available on its website](#).

If you decide to give information about a health or social care provider to the CQC, it will be used to help them decide when and where to inspect services.

You can also [tell the CQC about your experience](#), which can be anonymous if you want.

### Health Inspectorate Wales (HIW)

The HIW is the regulator of health care in Wales. It does not investigate or resolve individual complaints, but you can contact them if you feel that you, or someone you know, have received poor care.

The HIW registers, monitors and routinely inspects all health care providers to make sure they meet national standards of quality and safety. All providers of health care

are required to be registered with the HIW and its reports on each provider are [available on its website](#).

If you decide to give information about a health care or social provider to the HIW it will be used to help the HIW decide when and where to inspect services.

### Care and Social Services Inspectorate of Wales (CSSIW)

The CSSIW is the regulator of social care, including nursing care in care homes, in Wales. It regulates and inspects adult social care and social services.

It does not investigate or resolve individual complaints, but you can contact them if you feel that you, or someone you know, have received poor care.

The CSSIW registers, monitors and routinely inspects all care homes, home care agencies and other social care providers to make sure they meet national standards of quality and safety. All providers of social care are required to be registered with the CSSIW and its reports on each provider are [available on its website](#).

If you decide to give information about a social provider to the CSSIW, it will be used to help them decide when and where to inspect services.

### **What can I do if my complaint is about a particular professional?**

If you want to complain about how you have been treated by a health or social care professional, you might be able to make a complaint to the organisation which regulates their profession. This is as well as making a [formal complaint](#) to the NHS or local authority.

Health and social care professionals who work in England or Wales must:

- have the right skills to do their job
- act professionally and with integrity
- be registered with a regulator
- follow standards for their profession (which are set out in a code of practice)

You might make a complaint about a professional if they acted in a way that did not follow their professional standards of service, conduct or ethics.

Sometimes a concern might be so serious it raises the question of whether the health or social care professional can provide safe treatment or care more generally. If you think this is the case, you can complain to the [relevant regulator](#) about the professional's misconduct. Each regulator will have its own complaints procedure which you can ask for and follow.

Regulators are usually able to discipline the relevant professional if necessary, and in the most serious circumstances can stop them from practising.

## Which professional regulatory body should I complain to about an individual?

Type of care professional	Type of regulatory body
Doctor (GPs and doctors in hospitals)	<a href="#">General Medical Council</a> (GMC)
Nurses	<a href="#">Nursing and Midwifery Council</a>
Health and care professionals (including clinical psychologists, occupational therapists and speech therapists)	<a href="#">Health and Care Professions Council</a>

## What can I do if this hasn't resolved my complaint?

If you feel like your complaint has not been dealt with by the regulator, you might want to seek legal advice about a [legal challenge](#).



# Legal challenge

- [How do I make a legal challenge?](#)
- [What is a judicial review?](#)
- [What is clinical negligence?](#)
- [How do I speak to a solicitor?](#)

## How do I make a legal challenge?

If you're not able to resolve your problem by making a [formal complaint](#), or complaining to the [ombudsman](#), you might want to make a legal challenge. You can [speak to a solicitor](#) about your chances of success of doing this.

Although legal challenges can be stressful, you might decide that it's worth it to solve your problem, and sometimes a legal challenge is the only way you can do that.

A legal challenge can include:

- challenging a decision of a public authority by [judicial review](#)
- making a claim for compensation because of [clinical negligence](#) (negligence of a professional)

## What is a judicial review?

A judicial review is a legal challenge to the way a [public authority](#) has made a decision or has done or not done something lawfully. You will usually need to have made a complaint first, although this is not always the case.

The judge will look at whether the public authority has followed its [public sector equality duty](#) and its human rights duties, as well as other duties it owes (for more information, [see our pages on the Human Rights Act](#)).

If the judge decides that the public authority has not acted lawfully, it can:

- cancel the public authority's decision
- order the public authority to do something, or
- order the public authority to not do something

Before you bring a claim for judicial review, you have to:

- get permission from the High Court
- make an application within the time limits, which are very strict: you have to do this as soon as possible and at the very latest within **three months less one day** of when the public authority made the decision you want to challenge

You will need to get advice from a [legal adviser](#) who specialises in public law before asking for a judicial review.

## What is clinical negligence?

A clinical negligence claim is when you make a claim for compensation because the care you received from a professional was negligent.

This sort of claim can get you compensation for your loss caused by the medical or care professional, but won't force the care provider to change its practices. You will need to [get legal advice](#) about making this sort of claim.

For more information, [see our pages on clinical negligence](#).

## How do I speak to a solicitor?

If you decide you want to make a legal challenge, you should get legal advice. You can do this by getting in touch with a solicitor qualified in the area of law this relates to. This could be:

- mental health law
- health care law
- public law
- community care law
- clinical negligence
- human rights law

If you are not sure what area of law applies to your situation, a solicitor will be able to tell you whether they are the right person to speak to. If they are not the right person, they may be able to suggest a different solicitor who works in the area of law relevant to you.

## How do I find a solicitor?

You can get in touch with a solicitor by using the Law Society's [find a solicitor tool](#) or by calling them. You can ask for a solicitor based on what area of law they specialise in, and where they are located.

See [Useful contacts](#) for details on how to get in touch with the Law Society.

# How do I complain if I receive private health or social care?

## Private health care

If you want to complain about private health care you have received, you won't be able to use the NHS complaints system, unless the NHS commissioned the private

service on your behalf and are paying for it (in this case, you can follow the steps in [How to make a complaint](#)).

If you have a complaint about the private health care you are receiving, you should ask for the complaints procedure of the private provider. Private hospitals, care homes and other private health care providers will all have their own complaints procedure and policy.

There is no one process for each private provider, so you will need to find out the specific complaints procedure of your provider and follow it. If you feel like you need to, you can [get support](#) for this process.

If you aren't happy with how your problem has been dealt with, you can only appeal the outcome of the complaint to the [health care ombudsman](#) if your care was funded by the NHS. If you or someone else privately funded your care, the health care ombudsman will not look into it.

## **Private social care**

If you are receiving private social care, this usually means you are receiving your care in one of these two ways:

- You have arranged for your own care yourself and you pay for it yourself.
- You have arranged for your own care yourself and you receive a direct payment to pay for it from the local authority.

If you have a complaint about the care you are receiving in these situations, you can ask for the complaints procedure of the private provider. The procedure and policy will tell you how to make a complaint.

Private care homes and other private social care providers will all have their own complaints procedure and policy. There is no one process for each private provider, so you will need to find out the specific complaints procedure of your provider and follow it.

If you aren't happy with how your problem has been dealt with, you can appeal the outcome of the complaint to the [social care ombudsman](#) in the same way you would if you had complained to the local authority.

## **Where can I get support for making a health or social care complaint?**

If you want support, advice or more information about how to complain, there are many organisations you can get in touch with for independent and free help.

In particular, you can contact:

- [advice services](#)
- [advocacy providers](#)

## Advice services

Here are some organisations that can give you advice, support and information about making a complaint:

- [Patient Advice and Liaison Service \(PALS\)](#) offers confidential advice, support and information about health care in England. They're based in hospitals and may be able to help you speak with someone informally about concerns you have with your health care. They can also help you get information about making a complaint to the NHS, or find independent support groups for making a complaint.
- [Community Health Councils \(CHCs\)](#) are independent bodies that provide support if you want to make a complaint about the NHS in Wales. Your local CHC can give you free and confidential advice and help you make complaints, gain access to your medical records or other similar matters.
- [Patients Association](#) is a charity which provides free and confidential information and advice about health care by phone, email and letter. It gives advice on a range of areas, including getting a second opinion, changing your GP or receiving treatment in a different hospital, and how to make a complaint.
- [Action Against Medical Accidents](#) is an independent charity that provides free and confidential advice if you have experienced a medical accident. They can offer you support on private and NHS complaints processes, as well as advising on whether you should tell a [regulator](#) about your complaint or make a [legal challenge](#).

For details on how to contact any of these organisations see [Useful contacts](#).

## Advocacy providers

Advocacy means getting support from another person to help you express your views and wishes, and to help make sure your voice is heard. Someone who helps you in this way is called your advocate. ([See our pages on advocacy](#) for general information on what advocacy is and how it can help you.)

Here are some organisations that offer advocacy services to help you make a complaint:

- [NHS complaints advocacy service](#) can support you if you want to complain about care or treatment you have received, or expected to receive, from the NHS in England. They can help you understand the complaints process, find out what your different options are, and support you make a complaint from start to finish (if that's what you want). The service is free and confidential.

- [\*\*Community Health Councils \(CHCs\)\*\*](#) are independent bodies that provide advocacy services if you want to make a complaint about the NHS in Wales. Your local CHC can give you free and confidential advice and help you make complaints, gain access to your medical records or other similar matters.
- [\*\*The Public Services Ombudsman\*\*](#) looks into complaints about public services and independent care providers in Wales. [Their website](#) has a list of where you can find advocacy services in Wales.
- [\*\*HealthWatch England\*\*](#) is the national consumer champion in health and care. It has powers to make sure your voice is heard by commissioners and regulators of health and care services.

For details on how to contact any of these organisations see [Useful contacts](#).

# Useful contacts

## Action Against Medical Accidents (AvMA)

0845 123 2352 [avma.org.uk](http://avma.org.uk)

UK charity for patient safety and justice. Provides free independent advice and support to people affected by medical accidents through their specialist helpline, written casework and inquest support services.

## Care Quality Commission (CQC)

0300 061 6161 (press '1' to speak to the mental health team)  
[enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk) [cqc.org.uk](http://cqc.org.uk)

For complaints about anything that may have happened during your time in hospital under section (in England).

## Care and Social Services Inspectorate of Wales

0300 7900 126 [cssiw.org.uk](http://cssiw.org.uk)

Regulates and inspects to improve care and social services for people in Wales.

## Community Health Councils

[wales.nhs.uk](http://wales.nhs.uk)

Community Health Councils listen to what individuals and the community have to say about the health services provided for them. They can help you access your medical records or make complaints about NHS services.

## General Medical Council (GMC)

0161 923 6602 [gmc-uk.org](http://gmc-uk.org)

Independent organisation that helps to protect patients and improve medical education and practice across the UK.

## Health and Care Professions Council

0300 500 6184 [hcpc-uk.co.uk](http://hcpc-uk.co.uk)

A regulator that maintains standards of health and care professionals, including arts therapists, occupational

therapists and social workers.

## **HealthWatch England**

0300 068 3000  
[healthwatch.co.uk](http://healthwatch.co.uk)

National consumer champion in health and care. It has power to make sure the voice of the consumer is heard by commissioners and regulators of health and care services.

## **Health Inspectorate Wales**

0300 062 8163 [hiw.org.uk](http://hiw.org.uk)

Independent watchdog for the health services in Wales. Provides information on its work, investigations and publications.

## **Law Society**

020 7242 1222 (England) 029  
2064 5254 (Wales)  
[lawsociety.org.uk](http://lawsociety.org.uk)

Provides details of solicitors you can get in touch with for specialist legal advice. You can find details about solicitors by using their [find a solicitor tool](#).

## **Local Government Ombudsman**

0300 061 0614 (to make a complaint) [lgo.org.uk](http://lgo.org.uk)

The final stage for complaints about councils and some other organisations providing local public services. Looks at complaints about adult social care providers (such as care homes and home care providers). Free service that independently investigates complaints.

## **NHS complaints advocacy (England)**

0300 330 5454 [nhscomplaintsadvocacy.org](http://nhscomplaintsadvocacy.org)

Free, confidential advocacy service available to anyone who wants support to make a complaint to the NHS.

## **Nursing and Midwifery Council**

0207 637 7181 [nmc.org.uk](http://nmc.org.uk)

Nursing and midwifery regulator for England, Wales, Scotland and Northern Ireland.

## **Parliamentary and Health Service Ombudsman**

0345 015 4033 [ombudsman.org.uk](http://ombudsman.org.uk)

Independent complaint handling service for complaints that have not been resolved by the NHS in England and UK government departments.

## **Patient Advice and Liaison services (PALS)**

[nhs.uk](http://nhs.uk)

PALS offers confidential advice, support and information on health-related matters. They provide a point of contact for patients, their families and their carers. To find out where your nearest PALS is, you can ask your local hospital, GP surgery or call NHS 111. You can also search on the [NHS Choices website](#).

## **Patients Association**

0208 423 8999 [patients-association.org.uk](http://patients-association.org.uk)

National healthcare charity promoting the voice of patients in health services.

## **Public Services Ombudsman for Wales**

0300 790 0203 [ombudsman-wales.org.uk](http://ombudsman-wales.org.uk)

Looks into complaints about public services and independent care providers in Wales.

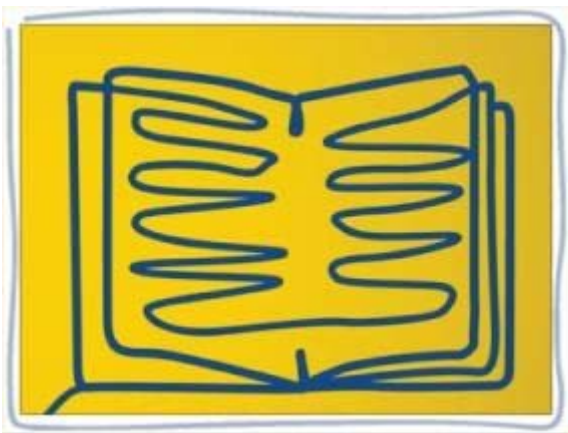


[Call our Legal Line for more information on complaining about health and social care](#)





[See if one of our 140 local Minds has support or advocacy services that might help you](#)



[Find out more about your legal rights](#)

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This information was published in May 2017. We will revise it in 2019.