

Complaints

NHS or Social Services

This factsheet is about making a complaint about the NHS or social services. It explains how you can make a complaint and what support you can get.



KEY POINTS

- You have to make your complaint within 12 months of the problem. Sometimes you can complain later than this.
- A complaints advocacy service might be able to help with your complaint.
- The NHS or social services will let you know when they get your complaint. They should do this within 3 days.
- Once the service has looked into your complaint, they will give you a full response.
- If you are unhappy with the response, you can take your complaint to an independent service. This is called the 'Ombudsman' service (pronounced 'om-buds-mun'). They will look into things further.

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1. Is a complaint the right option for me?

This factsheet may help you if you want to make a complaint about:

- your GP,
- your mental health team,
- your psychiatrist,
- your care coordinator,
- your local authority's social services department,
- local mental health services, such as a crisis team, or
- hospital treatment.

If you would like to complain about other services, like private healthcare or your local authority's housing department, then other rules will apply. You will need to ask these services for details of their complaints policy.

You can make a complaint to show that you are unhappy with a service you have used. You might feel that a service:

- has not treated you with respect,
- gave you the wrong care or treatment,
- did not help quickly enough,
- did not do enough to help you, or
- was taken away sooner than it should have been.

If you have had a poor experience, you might want to make a complaint. Your complaint could help make things better for you or other people in the future.

Some people worry that they will lose out if they complain. They might worry the NHS or social services won't support them anymore. Or that staff will treat you differently. This should not happen, so don't let this put you off.

As well as making a complaint, you might want to try the following.

- Ask a solicitor to write a letter to the service.
- Take the service to court.
- Complain to a professional regulator if a member of staff has behaved unprofessionally. Professional regulators make sure that health and social care professionals do their job properly.
- Complain to the Care Quality Commission (CQC) if your complaint is about the way NHS staff have used the Mental Health Act.

We will look at these options in more detail at the end of the factsheet.

Other options

If you don't want to complain, you could:

- talk to staff to see whether they can help, or
- get in touch with your local Patient Advice and Liaison Service (PALS) if your complaint is about the NHS.

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2. Can I complain?

You can complain about any NHS or social care services you are using or have used in the past. Your carer might be able to complain for you.

Carers

If you are a carer, you can make a complaint on someone else's behalf if:

- the person you care for cannot make decisions about making a complaint. This is called lacking mental capacity, or
- the person you care for has asked you to make a complaint for them.

If the person you care for has asked you to complain you will need evidence of this. It is best if they put something in writing, either by letter or email.

You can find more about '**Mental capacity and mental illness**' at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

If a decision affects you as a carer, you can make your own complaint. For example, you might live with the person you care for. If they don't get the right treatment it may mean it affects you. You could make a complaint if social services have refused to do a carer's assessment for you.

3. Is there a time limit?

Yes. You have to make your complaint within a year. The 12 months will begin:

- from the date your problem started, or
- when you found out about the problem.¹

You may not want to complain straight away. If so make a note of the date the problem started to make sure you do not miss the time limit.

Late complaints

The sooner you make the complaint the easier it will be for the service to investigate it. But if you can't do this, you can sometimes complain after 12 months have passed.

The NHS or social services will accept a late complaint if:

- it is still possible to investigate your complaint fairly, and
- you had good reasons for being late.²

The complaints manager will decide if you would have been able to make the complaint in time. Being very unwell could be a good reason for making a late complaint.

4. How do I complain?

You can make your complaint by telling a member of staff, writing a letter or sending it by email. Some services might have an online form you can use on their website.

Complaining in person

If you make your complaint face-to-face or by phone, you need to be clear that you want to make a complaint.

The staff member you speak to will make a note of your complaint to record your concerns. They will give you a copy of this record.³

You should make a note of:

- who you spoke to,
- what you talked about, and
- the date and time.

Complaining in writing

If you make a complaint by letter or email, make sure that it is clearly marked with the word 'complaint'. Make sure you explain:

- what has happened,
- why you are not happy, and
- what you would like to happen next.

There are sample complaints letters at the end of this factsheet.

If you send a letter, make sure that you keep a copy of it for your records. You might find it helpful to send it by recorded delivery so that you can prove that you sent it.

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5. Who should I complain to?

Complaints about the NHS

You can complain to the:

- service you had problems with, or
- organisation which provides their service. This would be your local Clinical Commissioning Group (CCG) or NHS England.

Ben's story

Ben is unhappy with his GP. He can complain to the GP surgery or to NHS England.

Tracy's story

Tracy is unhappy with her psychiatrist and care coordinator. She can complain to the service they work for or to the local Clinical Commissioning Group (CCG).

It may be easier to complain to the service itself. But sometimes you might find it helpful to complain to the CCG or NHS England. They may investigate the complaint separately.

Complaints about social care

Your social care might be arranged by social services, or mental health services.

If your social care has been arranged by mental health services, you might not be sure who to complain to. The rules say that social services should respond to complaints about social care, even if the NHS arranges it for you.⁴

You should send your complaint to your local authority's social services department, even if you haven't been in contact with them. You could still

send a copy of your complaint to the mental health team if they arranged your social care.

You can make two complaints, one to your local mental health team and another to social services. For example, you might want to complain about your care coordinator and about problems with social care.

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6. Who can help me make my complaint?

Making a complaint can seem stressful. If you feel that you cannot make a complaint yourself, you can:

- ask a friend or relative to help you to write it,
- ask a friend or relative to make the complaint on your behalf,
- get in touch with a complaints advocacy service to see if they can help, or
- get in touch with the Patient Advice and Liaison Service (PALS).

General advocacy

There may be a general advocacy service in your area that can help you to deal with your problem. They might be able to help you write your complaint. This will depend on what they can offer.

NHS Complaints Advocacy

NHS Complaints Advocacy used to be called the 'Independent Complaints Advocacy Service' (ICAS). It is independent, which means it is separate from the NHS.

Different organisations run NHS Complaints Advocacy all over the country. You will need to find out who runs this in your area. You might be able to find out online, or by contacting PALS. The services are often run by companies like SEAP, POhWER, VoiceAbility and Carers Federation.

There may be a waiting list for advocacy services to help.

You can find out more information about advocacy in our '**Advocacy**' factsheet at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

The Patient Advice and Liaison Service (PALS)

PALS is an NHS service that can give general advice on NHS complaints. They may also be able to help you deal with a less serious complaint.

You can search for your local service at [www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-\(PALS\)/LocationSearch/363](http://www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-(PALS)/LocationSearch/363).

Citizens Advice

You might also be able to get help from your local Citizens Advice. You can find your local CAB at www.citizensadvice.org.uk.

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7. How should the service deal with my complaint?

The service should tell you when they have got your complaint. They should do this by phone, face-to-face or in writing, within three working days.⁵

The service should do the following things.

- Look into your complaint as quickly as possible. They will call this an 'investigation'.
- Keep you up to date during their investigation.
- Let you know the result of your complaint in writing.⁶

If you have already made a complaint about the same issue, the service may not respond to your complaint.⁷

How will the service investigate?

A complaints manager will make they deal with complaints properly. If you have made a complaint about a person, that person will not deal with your complaint.

Sometimes, the complaints manager might ask an independent person to do the investigation.

An NHS investigation might involve:⁸

- visiting the service,
- looking at records,
- interviewing staff members, or
- getting specialist advice.

Social services will have a similar procedure for investigating complaints.

How long will I have to wait for a response?

There are no time limits. But the law says that the service should look into your complaint 'speedily'.⁹ The service might have its own targets. You can ask to see their complaints policy.

If the investigation takes more than six months, the service must write to you and tell you why it is taking a long time.¹⁰

The Local Government Ombudsman says that social services should try to respond to complaints within 12 weeks.¹¹ You can find out more about the ombudsman in the next section.

How should the service treat me?

The service should keep you informed about how they are handling your complaint. They should not change your care or treatment because you have made a complaint.¹²

The service will have a complaints policy. You might be able to find a copy on their website, or by asking a member of staff. You could find it useful to read through the policy. It will explain how they deal with complaints and may say how quickly they will respond to you.

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8. What if I am not happy with the response?

If you are not happy with the complaint response you can take your complaint to the 'ombudsman'. You must do this in writing. An ombudsman is an independent body. This means they are separate from the NHS and social services. They can make recommendations about what should happen if your service has not dealt with things the way you would like.

If your complaint is about the NHS, your complaint should go to the Parliamentary and Health Service Ombudsman (PHSO).

Parliamentary & Health Service Ombudsman (PHSO)

Makes final decisions about complaints that have not been resolved by the NHS in England

Telephone: 0345 015 4033 (8.30am-5.30pm Monday-Friday)

Address: Millbank Tower, Millbank, London, SW1P 4QP

Email: phso.enquiries@ombudsman.org.uk

Website: www.ombudsman.org.uk

If your complaint is about social services, your complaint should go to the Local Government Ombudsman (LGO).

The Local Government Ombudsman (LGO)

The final stage for complaints about social services and other local authority services.

Telephone: 0300 061 0614 (8.30am-5pm Monday-Friday)

Address: PO Box 4771, Coventry, CV4 0EH

Email: Go to website to email

Website: www.lgo.org.uk

You should do this as soon as you can to make sure that the ombudsman can help. You need to complain to the ombudsman within 12 months of the problem you are complaining about.^{13,14}

You cannot make a complaint to the ombudsman until the service has given you a final response to your complaint. But, you might be able to go

straight to the ombudsman if the service will not look into your complaint without good reason.

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9. Can 'Healthwatch' help?

If you have concerns about local NHS or social care services, you can contact your local Healthwatch. They cannot help you with a complaint. But, if they think that your issue will affect others they can campaign for better local services.

Your local Healthwatch can also pass information on to national Healthwatch to try to change things across the country. You can find out more at www.healthwatch.co.uk.

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10. How can I complain about how staff have behaved?

All healthcare staff have a code of conduct which explains how they need to behave at work. If staff do not follow this code of conduct it may be considered professional misconduct. Examples of professional misconduct might be if a staff member:

- has a sexual relationship with someone who uses their service,
- has lied about their qualifications,
- breaks confidentiality without good reason,
- deliberately puts false information on records, or
- has put patients at serious risk of harm due to bad practice.

If you want to complain about professional misconduct you can complain to a professional regulator. Professional regulators make sure that health and social care professionals do their job properly. They cannot deal with less serious complaints about staff in the NHS or social services. Less serious complaints may be if you want to complain about your care and treatment.

If the regulator thinks that the staff member has acted unprofessionally, they can stop them from working in that profession.

The General Medical Council (GMC) can deal with complaints about the serious misconduct of doctors.

General Medical Council

The professional regulator for doctors.

Telephone: 0161 923 6602 (Mon-Fri 8am-6pm, Sat 9am-5pm)

Address: Fitness to Practise Directorate, General Medical Council, 3 Hardman Street, Manchester, M3 3AW.

Email: practise@gmc-uk.org

Website: www.gmc-uk.org

The Nursing and Midwifery Council (NMC) can deal with complaints about the serious misconduct of nurses.

Nursing and Midwifery Council

The professional regulator for nurses and midwives.

Telephone: 020 7637 7181 (Mon-Fri 8am-5:45pm)

Address: Fitness to Practise, 1 Kemble Street, London, WC2B 4AN

Email: newreferrals@nmc-uk.org

Website: www.nmc.org.uk

The Health and Care Professions Council (HCPC) can deal with complaints about the serious misconduct of occupational therapists and social workers.

Health and Care Professions Council

Regulates health, psychological and social care professionals.

Telephone: 0300 500 6184

Address: Park House, 184 Kennington Park Road, London, SE11 4BU

Email: registration@hcpc-uk.org

Website: www.hcpc-uk.co.uk

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11. Can I take the service to court?

If you feel that the NHS and social services have treated you badly, you may decide to go to court to sort out the problem. If you want this, it is best to get legal advice as soon as possible. A solicitor will help you to think about:

- if you might win your court case,
- if you can deal with the problems without taking the service to court, and
- how much it will cost to take them to court.

You should think about:

- how much the issue has affected you, and
- how much stress taking them to court would cause you.

Judicial review

The NHS and social services must act within the law. If you feel they haven't a judge will look at the situation and decide if they acted legally. This is called 'judicial review'.

For example, if you think that social services have waited too long before helping you, you could ask for judicial review.

You need to act quickly if you want to ask for a judicial review. You have 3 months to ask for this. The judge might not accept your claim unless you make it as soon as you can.

Negligence

Negligence is when you do not get the right care or treatment because of carelessness of the health or social care staff. You may be able to take legal action if you have been harmed by the negligence of health or social care staff.

Tom's story

Tom has schizophrenia and does not respond to a lot of treatments, his symptoms are strong. He also has problems with his liver and cannot take some medications including Olanzapine. This is explained in his medical records.

When Tom moved to a new mental health team the psychiatrist prescribed Tom the highest dose of Olanzapine without reading his medical notes. After taking this for 12 months Tom got very unwell and ended up in hospital. Doctors did tests and found that his liver had stopped working because of the olanzapine and he needed a liver transplant. This is likely to be seen as negligent.

You need to make a claim for clinical negligence claims within 3 years from the date you were injured. If you missed the three year deadline because you were unwell you may be able to make a claim. You need to get medical advice if want to make a negligence claim.

You can find more information about '**Clinical Negligence**' at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

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12. Can I complain about how the NHS used the Mental Health Act?

You should read this section if you want to complain about when professionals were treating you under the Mental Health Act (MHA). This may be if you were in hospital or on a Community Treatment Order (CTO). Being brought to hospital under the MHA is called being detained under the MHA.

You can complain to the Care Quality Commission (CQC) if you feel that the NHS:

- didn't follow the right procedure when they detained you in hospital,
- didn't give you the right information,
- didn't offer you section 17 leave when they should have,

- restrained you or kept you away from other patients when they shouldn't have, or
- didn't plan your discharge properly.¹⁵

The CQC cannot deal with complaints:

- about the treatments the NHS offered you,
- about having to take medication, or
- because you think the hospital should discharge you from hospital.¹⁶

If you want to make complaints about these things you should use the ways explained in Section 4.

Care Quality Commission

Monitors, inspects and regulates health and social care services.

Telephone: 03000 616161

Address: National Customer Service Centre, Citygate, Gallowgate, Newcastle upon Tyne. NE1 4PA

Email: enquiries@cqg.org.uk

Website: www.cqc.org.uk

You can find more information about:

- Mental Health Act
- Discharge from the Mental Health Act

at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

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SAMPLE COMPLAINT LETTER

NHS COMPLAINT - ONE ISSUE



SAMPLE
LETTER

Private and Confidential

COMPLAINT

[Your name]
[Your address]
[Day] [Month] [Year]

Complaints Manager
[Service you are complaining about]
[Address]

Dear Sir/Madam,

TIP

In the first paragraph, give a short overview of the problem

Complaint – Lack of a care plan

I would like to complain that my care coordinator, Joe Bloggs, has failed to complete a care plan for me. I feel that I have not had the services I am entitled to, and my health has deteriorated as a result.

TIP

Don't give too much background unless it is directly relevant.

My difficulty getting a care plan

I started getting help from your service in April 2015. Joe Bloggs became my care coordinator. Since then, I have asked about getting a care plan on the following occasions:

- April 2015 - When I first started with the team,
- May 2015 - On my second meeting with Mr Bloggs,
- June 2015 - Sep 2015 - On every further meeting with Mr Bloggs,
- Nov 2015 - I wrote to Mr Bloggs explaining that the lack of a care plan was having an effect on my health, and I did not get a response.

TIP

Bullet points are an easy way to give lots of information.

I have enclosed a copy of the letter I sent to Mr Bloggs in November 2015. I have still not had a care plan, and Mr Bloggs has said that I could be discharged from the team because I have not seen him since November 2015. [Top](#)

TIP

It can be useful to refer to the team's policies or to national guidance. You can look for this online, or ask:

As you will be aware, the Department for Health's 'Refocusing the Care Programme Approach' guidance says that I am entitled to a care plan when I am getting help under the Care Programme Approach.

The effect this has had on me

This situation has affected me in the following ways:

- [My recovery from my illness has been set back]
- [LIST ANY OTHER CONCERNS DEPENDING ON YOUR SITUATION]

- an advocate,
 - a friend, or
 - our service
- for help.

What I would like

As a result of this complaint, I would like:

- A new care coordinator, because I feel that my relationship with Mr Bloggs has broken down,
- A care plan,
- An explanation of why I did not have a care plan sooner,
- An apology.

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]



SAMPLE COMPLAINT LETTER
COMPLEX NHS COMPLAINT

Private and Confidential

COMPLAINT

[Your name]
[Your address]
[Day] [Month] [Year]

Complaints Manager
[Service you are complaining about]
[Address]

Dear Sir / Madam,

Complaint

I am concerned about the service I have received at [name of team] and I would like to complain about the following issues:

- Lack of a care plan
- Attitude of staff
- Uncertain diagnosis

These issues have affected my trust in the service, and I feel as though I have not got the service I am entitled to.

Lack of a care plan

[Explain this problem as briefly as possible - using bullet points can help]

Attitude of staff

I feel as though the staff in the service have not always treated me with the respect I deserve. I refer to the following examples:

- 1st March 2016 - my CPN Mr [name] said [_____]
- 13 March 2016 - Ms [name], an Occupational Therapist, said [_____]

Uncertain diagnosis

I have been under the care of my psychiatrist, Dr [name], for two years. I feel that she has not properly explained my diagnosis to me. She has not explained why I do not have a firm diagnosis, and told me that I should carry on taking my medication anyway. I have tried to resolve this problem on several occasions:

- 1st Jan 2016 - I asked Dr [name] what my diagnosis is, and she said that I don't need to know

TIP

When you're complaining about several issues, you might find it helpful to write down all your concerns on a separate piece of paper first. This will help you to think about the structure of your complaint letter.

- 4th Feb 2016 - I asked for a second opinion, and Dr [name] said that I don't need one
- 6th March 2016 - I wrote down my concerns on a note and showed it to Dr [name], but I have not heard anything since.

The effect on me

This situation has affected me in the following ways:

- [My recovery from my illness has been set back]
- [LIST ANY OTHER CONCERNS DEPENDING ON YOUR SITUATION]

What I would like

As a result of this complaint, I would like:

- [List what you would like]
- [An explanation about what my diagnosis means],
- [An apology from the staff who said inappropriate things].

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]



SAMPLE COMPLAINT LETTER
SOCIAL CARE

Private and Confidential

COMPLAINT

[Your name]
[Your address]
[Day] [Month] [Year]

Complaints Manager
[Adult Social Care Team]
[Address]

Optional { [Copy to your Community
Mental Health Team, if you
have one]

TIP

If you get help from a 'Community Mental Health Team', send a copy of the letter to them too

Dear Sir / Madam,

Complaint – Failure to carry out a community care assessment

I would like to complain that I have not been offered a community care assessment within a reasonable time. My health has deteriorated as a result of this, and I feel that I need an immediate community care assessment.

My request for an assessment

[Give a short history of the contact you have made with the council]

[Say that you have not yet had an assessment despite this contact]

[Enclose copies of correspondence if you have any]

You will be aware that I have the legal right for my community care needs to be assessed if I may be in need of services.

Reasonable time

Community care assessments must be carried out in a 'reasonable time'. The Local Government Ombudsman has suggested that four to six weeks from a request would be a benchmark when deciding what would be reasonable (LGO factsheet – Councils that Conduct Community Care Assessments – Post April 2015). In one case, the Local Government Ombudsman called a three month delay 'simply unacceptable' (LGO Complaint 05/C/07195 – 2006).

I have been waiting [AMOUNT OF TIME] for my assessment. I believe that this is unlawful.

The effect this has had on me

This situation has affected me in the following ways:

- [My recovery from my illness has been set back]
- [ANY OTHER CONCERNS DEPENDING ON YOUR SITUATION]

What I would like

As a result of this complaint, I would like:

- My community care needs to be assessed at the first opportunity,
- An explanation of why I was not assessed sooner,
- An apology.

I look forward to receiving your acknowledgement of this letter. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

TIP

If you feel that the situation is urgent, you can ask the council to respond in a certain time. However, they might not be able to do this.

[Given the urgency of this situation and the amount of time I have already been waiting for an assessment, I require a response within **14 days** of receipt of this letter.]

Yours faithfully,

[Your name]



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- ¹ Local Authority Social Services and National Health Service Complaints (England) Regulations 2009, Reg 12
- ² See note 1.
- ³ See note 1, Reg 13(2)
- ⁴ See note 1, Reg 6(1)(a)
- ⁵ See note 1, Reg 13(4) and (6)
- ⁶ See note 1, Reg 14(1) and (2)
- ⁷ See note 1, Reg 8(1)(e)
- ⁸ Department of Health (2009) *Listening, Responding, Improving: A guide to better customer care*, at pg 25
- ⁹ See note 1, Reg 14(1)(a)
- ¹⁰ See note 1, Reg 14(4)
- ¹¹ Local Government Ombudsman. *How to complain*. www.lgo.org.uk/make-a-complaint (accessed 23 May 2016)
- ¹² Department of Health. *The NHS Constitution: the NHS belongs to us all*. Williams Lea; 2015. Pg 10. This guidance is specific to the NHS, though the same applies to social care.
- ¹³ Health Service Commissioners Act 1993 s9(4)
- ¹⁴ See note 11
- ¹⁵ Care Quality Commission (Oct 2012) *Complaining about the use of the Mental Health Act Policy*, at pg 3
- ¹⁶ See note 15

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This factsheet is available
in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927

**Monday to Friday, 9:30am to 4pm
(excluding bank holidays)**

Email advice@rethink.org

Did this help?

We'd love to know if this information helped you.

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 17106
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm
Monday to Friday (excluding bank holidays)



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quality of life for everyone
affected by severe mental illness.**

For further information
on Rethink Mental Illness
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Email info@rethink.org



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Need more help?

Go to **www.rethink.org** for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

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