

# Complaints regarding Medical Treatment

We know that the vast majority of healthcare is delivered to a good standard by dedicated and skilled professionals, but unfortunately experiences can vary widely. We have put together some information for when you have concerns about your care.

**If you are having difficulty with your GP**, for example you think they are dismissing your concerns without fully listening, ask for details of their Complaints Procedure.

You can follow the process on the GP Practice website if there is one. Or you can write to the Practice Manager with a brief outline of your concerns and ask for a meeting to discuss these, and see if they can be resolved in person. If a meeting is not offered, or you are still not satisfied with the outcome, send a formal written complaint, detailing all your concerns. Keep it factual, with dates and times, and what was said at the appointments.

## NHS hospital treatment

Before you have treatment, make sure it has been explained to you so that you understand the plan of action. Have somebody with you and take notes to remind you of what was said. This is particularly important if you have memory issues.

If you still have questions about your treatment, make sure you ask before the treatment starts.

For all procedures, the hospital will need you to sign a written consent form. This needs to be informed consent: your clinician must explain clearly what they intend to do and what complications you might experience, and they must be sure you fully understand what has been discussed. The written summary of risks on the form should be the same as you have been told verbally. If there are differences, ask about them.

You can ask about the complication rates and chances of success as this should be an important part of your decision making. You can also ask what the implications of delaying the treatment, or not having it at all, may be

and about any alternative treatments that are available.

If you are not satisfied with an aspect of your medical or nursing care, you can raise it with the hospital via the Patient Advice and Liaison Service (PALS). This is a confidential service to connect patients and healthcare staff. If you can have any questions regarding your care, PALS can help to find answers and provide support and advice about the complaint procedure.

This [link](#) is to the NHS information about PALS and how to complain.

PALS can sometimes mediate a meeting between you and the department that treated you. Some helpful tips for the meetings are:

- Before the meeting, think about what you want from the meeting – talk it over with a friend, relative, or a Shine support worker.
- Prepare the questions you want answered about your care in advance and listen carefully to the answers, as there may be valid reasons why your outcome was not what you expected.

The quality of complaint responses can vary greatly. Some hospitals are very open about their failings so that improvements can be made and to prevent the same thing happening to others. This can seem concerning when you read it, but it allows the hospital to plan real improvements. Other hospitals are less transparent about what, if anything, went wrong so it may be harder to obtain this information.

The [NHS Complaints Advocacy](#) service helps people to make NHS complaints by providing information and support. The service is free, confidential and independent of the NHS. Advocates are available to help you explore your options and provide information to help you decide what you would like to do. They can assist with writing letters and attend meetings with you.

In some circumstances, whether you have a complaint about GP or hospital treatment, you can take the complaint a step further by

requesting a view by the [Parliamentary and Health Service Ombudsman](#) (PHSO). The PHSO can only investigate complaints about the NHS in England, UK government departments and some other public organisations. Complaints cannot be investigated against the Courts, educational bodies, local councils, Members of Parliament, the police or private healthcare (unless it was funded by the NHS).

You can complain to the PHSO if an organisation has not acted properly, fairly and has not made an effort to put things right.

You can contact them in writing, by telephone or via email and should include:

- a summary of what happened
- details of the main issues
- action taken so far and why you are not satisfied
- why you feel that further action under the complaints procedure of the GP/hospital would not resolve things
- why you think an independent review by the Ombudsman would help.

The Ombudsman will contact you within 5 days and consider whether or not they can review your concerns. There is more information available on their website:

After these steps, you may have a better understanding of what happened and why and may now be satisfied. However, if you believe that what happened should never have happened you might want to consider legal action (a negligence claim) if you have suffered harm as a result of poor care.

The regulations which govern the NHS complaints procedure allow both complaints and clinical negligence claims to run at the same time. Even if you decide to pursue legal action, you are still entitled to receive a fully reasoned response to your complaint.

### If you received treatment in Northern Ireland

Complaints should be made within 6 months, either from when the event you want to complain of occurred or from when you found out that something was wrong (this must not exceed one year after the incident).

You can make a complaint either directly to a member of staff involved in your care, or ask for a copy of their complaints procedure. You should direct your claim to the relevant Trust's Health and Social Care Board and include:

- your contact details
- who and what you are complaining about
- a description of the events giving rise to your complaint
- what you have already done to try and resolve your complaint
- what you are seeking as a result of your complaint.

If you are unhappy with the outcome of your complaint, you can refer it to the [Northern Ireland Commissioner for Complaints](#) (the Ombudsman). This should be done in writing or via the forms available on their website.

### If you received treatment in Wales

The complaints procedure in Wales is called 'Putting Things Right' and a complaint is known as a 'concern'. To raise a concern in the first instance, you should speak to the staff involved in the care. If this does not resolve your concern, you can contact a member of the concerns team at the Trust or your local health board.

A concern should be raised within 12 months of the incident in question, but it is advisable to raise it as soon as possible. You should receive a final response to your concern within 30 days of submission. If you are unhappy with the outcome of the investigation into your concern, you can take your concern to the [Public Services Ombudsman](#). More information can be found on their website.

If you would like more information about making a complaint, [Action against Medical Accidents](#) (AvMA) – who are a charity for patient safety and justice – have more information on their website, including a sample complaint letter.

## Duty of Candour

In England and Wales, medical professionals are also bound by a 'duty of candour', which means they must be open and honest with patients, or their families, when something goes wrong that appears to have caused or could lead to significant harm. This is a statutory duty which means that if the organisation does not adhere to this, they could face regulatory action and in the most serious or persistent cases, criminal prosecution.

An organisation should tell you about an incident in full detail as soon as possible and

should do this in person in a sensitive manner. This is usually followed up with a letter of apology.

If you think an organisation is in breach of their duty of candour, you should raise it with them first. If this does not resolve the situation, you can contact the [Care Quality Commission](#) (CQC) who are able to investigate some breaches of the duty.

For more information about Shine's Legal Service, visit [www.shinecharity.org.uk/legal](http://www.shinecharity.org.uk/legal) Shine's Legal Service is delivered in partnership with: