

How to complain about a health care or social care service

About the Care Quality Commission (CQC)

The Care Quality Commission (CQC) is the independent regulator of health care and adult social care services in England. We also protect the interests of people whose rights are restricted under the Mental Health Act.

Whether services are provided by the NHS, local authorities, private companies or voluntary organisations, we make sure you get better care.

We do this by:

- ▶ putting people first and standing up for their rights
- ▶ acting quickly to stop bad practice
- ▶ gathering and using knowledge and expertise and working with others.

When we use the term ‘social care’, in the booklet, we mean adult social care for people of 18 years or more.

When we use the terms ‘care provider’ and ‘provider’, we mean organisations or individuals who provide health care or social care services that we regulate. These services may be in the public sector – for example, NHS services – or in the private sector.

About this leaflet

Although most people have no problems when using health care or social care services, sometimes things can go wrong. This leaflet explains what to do if you, or a member of your family, want to complain about the care that you have received.

Our role

We are responsible for checking that every care provider that is registered with us meets important standards of quality and safety. However, the duties that we've been given by Parliament do not include dealing with individual complaints about providers' services. The only exceptions to this are complaints from patients whose rights are restricted under the Mental Health Act about the way staff have used their powers under the Act.

Sharing your experience with us

Even though we cannot look into complaints about health care or social care services, we would like to hear from you if you were not happy about the care you received. This is because we can use the information when we are looking at individual services to make sure that they are meeting important standards of quality and safety. If they are not, we can use our legal powers to make them improve their services for the benefit of people using the service now and in the future.

How to Complain

Who you contact and how you complain will depend on:

- ▶ whether you are complaining about social care or health care, and
- ▶ whether the care is paid for by public funds or you have paid for it.

Complaints about health care

1. NHS services

By law, all NHS organisations must have an efficient procedure for dealing with patients' complaints. Ask your local health care service, primary care trust or hospital for a copy of their complaints procedure. Make sure you know what they should do after they have received your complaint.

If you have a complaint about an NHS service, you should first contact the service itself. If possible, speak to the person you want to complain about, such as the nurse or doctor who treated you. If you are not able to do this, or if you feel worried about contacting the service directly, you can complain to your local primary care trust instead.

Primary care trusts manage and pay for local NHS services such as dentists, GPs (family doctors), pharmacists, NHS walk-in services and NHS Direct. They also buy the services that hospitals provide to local people. Primary care trusts are responsible for making sure that all this health care is of a good standard.

The first stage of a complaint is known as the 'local resolution stage'. At this stage, the service providing the care should try to sort out your complaint themselves and put things right to prevent the same thing happening again.

Private health care paid for by the NHS

If the NHS funds your care in a private hospital or in a hospice run by the voluntary sector, it is responsible for the quality of this care. So, if you are not happy about the care and treatment you have received, you should complain to your local primary care trust using its complaints procedure.

If you are not happy with the reply you get

If you are not happy with the primary care trust's final answer after it has looked into your complaint, you can ask the Parliamentary and Health Services Ombudsman to look at your complaint.

You can contact the ombudsman on **0345 015 4033**, or write to: The Parliamentary and Health Services Ombudsman, Millbank Tower, Millbank, London SW1P 4QP.

You can also visit their website at **www.phso.org.uk**

2. Independent health care

The term 'independent health care' means health care services run by private or voluntary organisations. If you want to make a complaint about an independent health care service, you should contact the person or organisation that provides the service. By law, they must

have a procedure for dealing efficiently with patients' complaints.

The Independent Healthcare Advisory Service (IHAS) is an organisation that represents many independent health care services. It has a code of practice for its members on dealing with patients' complaints. It also provides helpful information about how to complain on its website at www.independenthealthcare.org.uk

3. Mental health services where patients are detained under the Mental Health Act

We protect the rights and interests of people who are detained in hospital or on community treatment orders under the Mental Health Act. If you are in this situation, we can deal with your complaint if it is about the way a member of staff has used their powers under the Mental Health Act.

We can't investigate your complaint if it is about your general care and treatment. You need to complain to the hospital where you are being detained or the hospital which discharged you before you went on to a community treatment order. But we can give you advice and support with making this kind of complaint.

How to contact us

You can speak to one of our Mental Health Act commissioners when they visit your hospital or area, or contact our Nottingham office at: Care Quality Commission, The Belgrave Centre, Stanley Place,

Talbot Street, Nottingham NG1 5GG. Phone:
0115 873 6250.

If you write to us, we will confirm that we have received your letter within five days. If we then need to write to you again, we will do so within 25 days.

4. Complaints about care homes and social care services

If you have a complaint about a care home, nursing home or any other social care service, the first thing you should do is tell the home or service. This applies whether you pay for your care or your local council funds it.

By law, every care home and social care service must have an efficient procedure for dealing with complaints. Ask for a copy of the service's complaints procedure so that you know what you need to do and how they will deal with your complaint.

Care funded by your local council

If you are not happy with the reply you receive from a care service when you complain, you can take your complaint to your local social services department. You will need to follow their complaints procedure – your social worker, care manager or the department itself will explain what to do. You can find the address of your local social services department at **www.directgov.com**.

The care service or the social services department should try to sort out your complaint themselves and put things right to prevent the same thing happening again.

If you are not happy with the reply you get

If you are not satisfied with the final reply from the care service or your local social services department, you can complain to the Local Government Ombudsman.

There are three local government ombudsmen in England. They each deal with complaints from different parts of the country. However, you should first send your complaint to:

The Local Government Ombudsman,
PO Box 4771, Coventry CV4 0EH.
Phone: **0300 061 0614**
or **0845 602 1983**.

Complaints that are referred to the Ombudsman are known as “Stage 2” complaints.

Complaints about care that you pay for yourself

From October 2010, you will be able ask the Local Government Ombudsman to take up your case if you are not happy about how a care home or service dealt with your complaint about care that you pay for yourself.

Who else can help?

Complaining can be a difficult experience. Here are some organisations that can give helpful advice and support:

► The Patient Advice and Liaison Service (PALS)

Every NHS trust has a PALS to help people have a say in their local health services. If you want to make a complaint about a trust, the PALS will

explain how to do this and discuss ways of getting your complaint dealt with. It will also take up some types of complaints for you. Contact your local PALS through the PALS website www.pals.nhs.uk/ or through the NHS Choices site at www.nhs.uk/.

▶ **The Independent Complaints Advocacy Service (ICAS)**

A free confidential service that advises and supports people who are complaining about the NHS. ICAS is independent of the NHS and has offices throughout England. To find your nearest one, visit www.dh.gov.uk.

▶ **The Patients Association**

A national health care charity that highlights patients' concerns and needs. It provides advice and news aimed at helping people to get the best out of their health care and tells you where you can get more information and advice. Contact the Patients Association's helpline on **0845 608 4455** or visit www.patients-association.org.uk.

▶ **Age UK**

Formerly known as Help the Aged and Age Concern

Provides information and advice to older people and their families. Contact the Age Concern information line on 0800 009966 or visit www.ageconcern.org.uk.

▶ **Counsel and Care**

A national charity that works with older people, their families and carers to help them get the best care and support. It provides advice and information on many different issues, including how to complain about health care or social care. The Counsel and Care advice line is open Monday to Friday, 10am to 4pm (Wednesdays, 10am to 1pm) on **0845 300 7585** or visit **www.counselandcare.org.uk**.

▶ **Citizens Advice**

Citizens Advice provides free, confidential and independent advice from over 3,000 locations, including in their bureaux, GP surgeries, hospitals, colleges, prisons and courts. Advice is available face-to-face and by phone. Most of their bureaux offer home visits and some also provide email advice. To find out more, visit **www.citizensadvice.org.uk**.

How to contact us:

Phone: 03000 616161

Email: enquiries@cqc.org.uk

Website: www.cqc.org.uk

CQC National contact Centre

CQC National Correspondence

PO box 1258

Newcastle upon Tyne

NE99 5AU

Phone: 03000 616161

Email: enquiries@cqc.org.uk

Website: www.cqc.org.uk

Please Contact us if you would like to receive this publication in other formats or languages.

Crystal Mark 19278 – Clarity approved by Plain English Campaign

Order Code: CQC-147-5000-STE-052010