

How to complain about a health care or social care service

July 2013

About the Care Quality Commission

The Care Quality Commission (CQC) is the independent regulator of health care and adult social care¹ services in England.

We monitor, inspect and regulate services to make sure they meet fundamental standards of quality and safety, and to publish what we find to help people choose care.

We also protect the interests of people whose rights are restricted under the Mental Health Act.

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 provider² 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 exception to this is complaints from people whose rights are restricted under the Mental Health Act, or their representatives, 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

¹ When we use the term 'social care', in the booklet, we mean adult social care for people of 18 years or more.

² 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.

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

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 the NHS organisation that commissions, or pays for, the service.

In general, NHS England commissions most primary care services like GP and dental services. You can contact NHS England by phoning **0300 311 22 33**. You can also visit their website at **www.england.nhs.uk**.

Clinical commissioning groups commission most secondary care such as hospital care and some community care. You can get details for your local clinical commissioning group from your council or you can find them online at **www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1**

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 can use the NHS complaints procedure to complain.

If you are not happy with the reply you get

If you are not happy with the final reply from the service after it has looked into your complaint, you can ask the Parliamentary and Health Service Ombudsman to look at your complaint.

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

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

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 Services (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**.

Complaints about the use of 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 unhappy with the way the Mental Health Act has been used you have the right to make a complaint.

Powers and duties carried out under the Mental Health Act cover a wide range of services, including receiving care while detained in hospital, or while on a guardianship or community treatment order.

You should first complain to the service that provided the care you are unhappy with.

If you are not happy with the reply you get

If you are not happy with the final reply you get from the service you have the right to ask us, the Care Quality Commission, to investigate your complaint.

Our powers under the Mental Health Act mean that we can only look into complaints from, or about, people who are, or have been:

- Detained in hospital.
- Subject to a Community Treatment Order.
- Subject to guardianship.

Our job is to ensure that the complaint has been dealt with justly and fairly. This might mean that we agree with the way the complaint was dealt with, even if you do not accept the outcome.

If you find it difficult to make your complaint or would like some support, you can ask to talk with an Independent Mental Health Advocate (IMHA). All hospitals which care for detained patients must tell you how you can get in touch with advocacy services. Independent Mental Health Advocates are trained in the Mental Health Act and can help and advise you about your rights.

How to contact us

CQC Mental Health Act
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Phone: **03000 616161** – press '1' to speak to the mental health team.

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 council.

You will need to follow their complaints procedure – your social worker, care manager or the council's complaints manager will explain what to do. You can find the address of your local council at www.gov.uk.

The care service or the council 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 council, you can complain to the Local Government Ombudsman. This applies whether you pay for your own care or your local council funds it.

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.

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.

Contact your local PALS through the PALS website www.pals.nhs.uk or through the NHS Choices website at www.nhs.uk.

The Patients Association

A national health care charity that highlights patients' concerns and needs. It provides advice 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

Provides information and advice to older people and their families. Contact the Age UK information line on **0800 1696565** or visit www.ageuk.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

Call us on **03000 616161**

Email us at: **enquiries@ccq.org.uk**

Look at our website: **www.cqc.org.uk**

Write to us at:

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Citygate

Gallowgate

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