

C L I F F O R D  
C H A N C E



## NHS Complaints Procedure

As a matter of law, patients who (i) receive services from an NHS body, or (ii) are affected or likely to be affected, by any action, omission or decision of an NHS body are allowed to make complaints about the care, treatment or service they've received from the NHS. This is set out in the [NHS constitution](#) and in [Regulation 5](#) of the [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#). This includes complaints on behalf of a deceased person, a child, or a person who is unable to make the complaint themselves due to physical or mental incapacity.

As a first step the NHS recommends discussing any complaints you have in respect of your service early on with the service provider as they may be able to sort the issue out quickly.

Resources which patients or complainants can use to assist them in making a complaint include:

[Patient Advice and Liaison Services](#) ("PALS"). This service can be found in most hospitals and should be used by those wishing to speak to someone not directly involved with their care. The PALS service offers guidance and support on the complaints process. Complainants can speak to a PALS representative via telephone or email, and expect to receive a response within 48 hours of contacting PALS. A PALS member will be the first point of contact in respect of any complaints. They try to help resolve issues informally with the hospital before one needs to make a formal complaint.

[NHS Complaints Advocacy](#)- this is a free, confidential and independent service which offers support to those thinking about making a complaint or those making a complaint. This service offers an independent advocate who can attend meetings with complainants, provides information about how to make a complaint and who to contact, as well as help reviewing any information an individual is given during the complaints process.

Options for raising complaints with the NHS include (i) either complaining to the NHS healthcare provider directly or, (ii) to the commissioner of the services. **NB** – you cannot apply to both. To complain to the commissioner complainants will need to [contact NHS England](#) directly via post, email or telephone.

The [NHS constitution](#) states that patients have the right to have any complaint made about NHS services acknowledged within three working days, and to have such complaint properly investigated.

## Resources:

### 1. NHS webpage – How to complain to the NHS

<https://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/>

### 2. NHS England webpage – How do I feedback or make a complaint about an NHS Service

<https://www.england.nhs.uk/contact-us/complaint/>

### 3. Parliamentary and Health Service Ombudsman webpage – My expectations for raising concerns and complaints - Report

[https://www.ombudsman.org.uk/sites/default/files/Report\\_My\\_expectations\\_for\\_raising\\_concerns\\_and\\_complaints.pdf](https://www.ombudsman.org.uk/sites/default/files/Report_My_expectations_for_raising_concerns_and_complaints.pdf)

### 4. Parliamentary and Health Service Ombudsman webpage – My expectations for raising concerns and complaints - Summary

[https://www.ombudsman.org.uk/sites/default/files/Summary\\_A\\_user-led\\_vision\\_for\\_%20raising\\_concerns%20\\_and\\_complaints.pdf](https://www.ombudsman.org.uk/sites/default/files/Summary_A_user-led_vision_for_%20raising_concerns%20_and_complaints.pdf)

### 5. NHS Constitution (please see **page 10** which sets out patient's rights regarding complaints)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/480482/NHS\\_Constitution\\_WEB.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/480482/NHS_Constitution_WEB.pdf)

### 6. The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009

<https://www.legislation.gov.uk/ukxi/2009/309/contents/made>

### 7. Complaining to NHS England - NHS England Contact Details

<https://www.england.nhs.uk/contact-us/complaint/complaining-to-nhse/>

### 8. NHS Complaints Advocacy

<https://nhscomplaintsadvocacy.org/>