Ombwdsmon
Ombudsman
Cymru • Wales

NHS Complaints

Introduction

We can look at complaints about the care and treatment patients get from, or are paid for by, the NHS in Wales. Complaints from patients or their representatives should, first of all, be brought to the attention of the relevant local Health Board or Trust. You can either complain in person to a member of staff, or you can write to the Health Board with details of your complaint. The Health Board should then investigate your concerns and respond to you in writing, explaining what will happen next and the options open to you – normally within about six weeks.

This is set out in a process for looking at concerns about the NHS called Putting Things Right (PTR). We can also look at complaints made to us within one year of the matters complained about (or within one year of you becoming aware of the issue). If your complaint is about something that happened more than a year ago, but you complained to the Health Board (or Trust) within one year, you should complain to us within twelve weeks of the Health Board's (or Trust's) response.

What we can do

We can look at the care the patient had and ask our clinical advisers to look at whether the treatment given was appropriate. Examples of what we may look at include:

- poor clinical judgement

- failure to give treatment to an appropriate standard; Care which fell below an appropriate standard
- poor record keeping
- clinically unreasonable delays in giving treatment

We can also look at whether the Health Board's staff dealt with you in a reasonable manner. Examples of this sort of issue include:

- not giving appropriate explanations to the patient and – where the patient consents – their family about the diagnosis and care plan
- administrative failings, such as arrangements for appointments or loss of clinical records
- poor complaint handling.

If we find that the treatment provided fell below an appropriate standard (information available on the 'Clinical Standards' page, under the 'For Service Provider' tab) or that there were some administrative failings, we may recommend that the Health Board takes action to remedy the situation as far as is reasonably possible.

What we cannot do

As well as complaints about services given by (or commissioned through) the NHS in Wales, we are also able to look at complaints about some aspects of care paid for privately. We can only do this where three tests are met:

1. you have had some treatment from the NHS for the health issue
2. you have also paid privately for some part of that treatment and
3. we cannot investigate the complaint about the NHS care without also looking at the treatment paid for privately

We cannot:

- become involved in patients' ongoing treatment or care or provide a "second opinion";
- question what we consider to be a reasonable clinical judgement even if you do not agree with that clinical decision.

Issues to bear in mind

We will need to judge whether the treatment/care given was of an appropriate standard and bearing in mind the setting in which it was being given. For example, care given in a general hospital would not be judged against the standards that would apply in a specialist unit. More information can be found on the 'Clinical Standards' page, under the 'For Service Providers' tab.

Under PTR, the Health Board must consider if the person making the complaint (or the person they represent) has suffered harm due to it failing in its duty of care. If the Health Board considers that this is the case, it may offer you redress. This might include remedial treatment or financial compensation. Please note that we cannot refer a complaint back to the PTR process once we have started an investigation. If you want your complaint to be considered under PTR, you must do this before asking us to investigate your complaint.

Further information

Llais can provide free help and support with making your complaint. You can contact them via their helpline on **02920 235 558.**

Contact us

If you are unsure whether we would be able to look into your complaint, please contact us on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

Easy Read

NHS Complaints