



**Ombwdsmon  
Ombudsman**  
Cymru • Wales

# NHS Complaints

## Introduction

We can look at complaints about the care and treatment patients get from, or is 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 should do this promptly after becoming aware of the issue. You can either complain in person to a member of staff, or you can write to the Health Board or Trust with details of your complaint. The Health Board or Trust should then investigate your concerns and respond to you in writing, explaining what will happen next and the options open to you. They aim to do this within about 6 weeks, but it can take up to 6 months for more complex complaints.

This is set out in a process for looking at concerns about the NHS called Putting Things Right (PTR). We can 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 12 weeks of the Health Board 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 or Trust'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. You should note that the PTR process allows up to 6 months for the NHS Body to provide a response. Therefore we are unlikely to consider a complaint made to us before this time

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 or Trust takes action to remedy the situation as far as is reasonably possible.

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

## **What we cannot do**

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.

- undertake a detailed review of every aspect of care provided in a healthcare setting
- intervene in strategic decisions about how services are funded or delivered in a particular area or for a particular group of patients.

## 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 or Trust 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 or Trust 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 website [Llais Wales I Llais](#), their helpline on **02920 235 558** or by emailing [enquiries@llaiscymru.org](mailto:enquiries@llaiscymru.org)

## Contact us

If you are unsure whether we would be able to look into your complaint, please [contact us](#) on 0300 790 0203.

Also available in Welsh.

# Easy Read

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