

This Factsheet is about complaints about the NHS in Wales, other than complaints about primary care (e.g. GPs, dentists, pharmacies) and continuing care. Please see the separate factsheets for information on these topics. It should be read together with the general information booklet about our service.

The Ombudsman can consider complaints about the care and treatment patients receive from the NHS in Wales. Complaints from patients or their representatives should, in the first instance, 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 considering concerns about the NHS called Putting Things Right (PTR). The Ombudsman is able to consider complaints made to him within one year of the matters complained about (or within one year of the complainant 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 the Ombudsman within twelve weeks of the Health Board's (or Trust's) response.

### What the Ombudsman can do

The Ombudsman can look at the care the patient received and ask his own clinical advisers to consider whether the treatment provided was reasonable. Examples of what he may consider include:

- poor clinical judgment;
- failure to provide treatment to a reasonable standard;
- substandard nursing care;
- poor record keeping;
- neglect.

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

- rudeness and other unprofessional behaviour;
- loss of medical notes and other administrative failings;
- poor complaint handling.

If he finds that the treatment provided fell below a reasonable standard or that there were some administrative failings, he may recommend that the Health Board takes action to remedy the situation as far as is reasonably possible.

The Ombudsman is independent and impartial. He cannot order public bodies to do what he recommends – but, in practice, they almost always do.

## What the Ombudsman cannot do

He cannot:

- investigate complaints about treatment in privately run establishments such as private hospitals unless that treatment is being provided on behalf of the NHS in Wales;
- become involved in patients' ongoing treatment or care or provide a "second opinion";
- question what he considers to be a reasonable clinical judgment even if you do not agree with that clinical decision.

## Issues to bear in mind

The Ombudsman will need to judge whether the treatment/care provided was of a reasonable standard and appropriate for the setting in which it was being provided. For example, care provided in a general hospital would not be judged against the standards that would apply in a specialist unit.

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 the Ombudsman cannot refer a complaint back to the PTR process once he has started an investigation.** If you want your complaint to be considered under PTR, you must do this before asking the Ombudsman to investigate your complaint.

## Further information

Your local **Community Health Council** (CHC) can provide free help and support with making your complaint. Contact details for your local CHC can be obtained via your local telephone directory. Alternatively, you can obtain them through the **Board of Community Health Councils in Wales'** website at [www.wales.nhs.uk/sitesplus/899/home](http://www.wales.nhs.uk/sitesplus/899/home) or via their helpline on 0845 6447814. Examples of cases that the Ombudsman has looked at can be found on our website. Please see [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)

**If you are unsure whether the Ombudsman would be able to look into your complaint, please contact us:**

- **phone** 0300 790 0203;
- **e-mail** [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk);
- **visit the website at** [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk);
- **follow us on Twitter:** @OmbudsmanWales;
- **write to:** The Public Services Ombudsman for Wales  
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