

Healthcare delivered outside the NHS

Factsheet

Introduction

This Factsheet explains how complaints about care and treatment provided in Independent (private) Hospitals or by Independent Health Providers are dealt with. It also gives some details about how we may be able to assist you if you normally reside in Wales and you receive NHS treatment at a hospital outside Wales.

It should be read together with our general NHS Complaints Factsheet and our [‘How to Complain’](#) webpage, available on the ‘Making A Complaint’ tab.

What we can do

We consider complaints about care and treatment provided by and/or funded by the NHS in Wales. We cannot consider complaints about any private health care you have paid for yourself, except in certain very limited circumstances (see below). Cases generally considered by us are where a patient is treated in an NHS hospital, Clinic or Surgery (including GPs, dentists, ophthalmologists and pharmacists) based in Wales. This can also include NHS treatment anywhere in the UK if it is paid for by NHS Wales (this is often known as “commissioned care” and can be delivered by an NHS organisation or a private company, “an Independent Health Provider”). If ultimately funded by NHS Wales then complaints about this care can be considered by us, otherwise they cannot.

However, we can consider some complaints about health care you have paid for yourself, but **only if all** the following tests are met:

- You have received some NHS treatment for the issue complained about (paid for or commissioned by NHS Wales)
- You have paid privately for treatment at some point for the same issue
- We cannot properly investigate the NHS complaint before us without also looking at the privately funded element

If you have concerns about commissioned care provided by an NHS provider anywhere in the UK, we may be able to assist you; either by considering the complaint ourselves (as above, if the care was funded by NHS Wales) or by consulting with another Statutory UK Ombudsman who has jurisdiction for the area in which the care was provided. This may be particularly relevant if you live close to the border between Wales and England and your care is often provided outside Wales (but commissioned by NHS Wales).

What we cannot do

We **cannot** consider complaints about private healthcare which you have paid for yourself, or which has been met by private healthcare insurance or cover, where this covers the entirety of your treatment (see above) – whether provided in Wales or

elsewhere in the UK.

If you receive NHS emergency treatment in other parts of the UK and wish to complain about that, you will need to complain in the first instance directly to the hospital or health provider where you were treated. If you remain dissatisfied it may be possible for you to complain to the Ombudsman who has jurisdiction for that Country.

If something has gone wrong with private treatment (which has had no involvement from NHS Wales), or you are dissatisfied with the service you received, you can complain directly to the private health provider. Many operate complaints procedures similar to those used in the NHS. It is usual for the private provider to respond in the first instance. If you remain dissatisfied after that it may be open to you to pursue your concerns with the ISCAS (see below) or through the Courts, but you should seek advice from a solicitor before doing so.

Issues to bear in mind

The arrangements for commissioning health care outside the NHS in Wales are often complicated and it may be unclear to you at the time your care need is met who is responsible for meeting the cost of that care. The local Health Board covering the area in which you live should be able to advise you whether it is meeting that cost.

We will need to judge whether the treatment/care provided was of an appropriate standard and acceptable 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.

Further information

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

Your local Health Board may also be able to help you. Contact details for the Health Board for your area can be found at:

<http://www.wales.nhs.uk/ourservices/directory>.

The Independent Sector Complaints Adjudication Service (ISCAS) can consider patient complaints about certain private healthcare providers. However, it can only deal with complaints about those private providers that have voluntarily signed up to the ISCAS scheme. More information can be found here: www.iscas.org.uk or by calling 020 7536 6091.

Examples of cases that we have looked at can be found on our website, [on the 'Publications' tab under 'Our Findings'](#).

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.

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday