

NHS Complaints Factsheet

Introduction

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 fact sheets for information on these topics. It should be read together with our '[How to Complain](#)' webpage, available on the 'Making A Complaint' tab.

We 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). We can also consider 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 received and ask our clinical advisers to consider whether the treatment provided was appropriate. Examples of what we may consider include:

- Poor clinical judgement
- Failure to provide treatment to an appropriate standard;
- Care which fell below an appropriate standard
- Poor record keeping
- Clinically unreasonable delays in providing treatment

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

- Not providing 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.

We are independent and impartial. We cannot order public bodies to do what we recommend – but, in practice, they almost always do.

What we cannot do

We cannot:

- In addition to complaints about services provided by (or commissioned through) the NHS in Wales, we are also able to consider complaints about some aspects of care paid for privately. We can only do this where three tests are met:
 1. you have received 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
- 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 provided was of an appropriate standard and bearing in mind 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. 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 has 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**.

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

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