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## Who to complain to – information for patients in England

[http://www.gmc-uk.org/concerns/making\\_a\\_complaint/who\\_to\\_complain\\_to\\_en.asp](http://www.gmc-uk.org/concerns/making_a_complaint/who_to_complain_to_en.asp)

The process of making a complaint will be easier and less stressful if you complain to the right organisation first time round.

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## 1. Complaining locally (NHS care)

Most complaints are dealt with locally at the place where you received care.

The following advice is taken from the NHS Choices website. A link to more detailed information is provided below.

If you're not happy with the care or treatment you've received or you've been refused treatment for a condition, you have the right to complain, have your complaint investigated, and be given a full and prompt reply.

The NHS Constitution explains your rights about making a complaint.

## **Who should I complain to?**

If you are not happy with an NHS service, you should first complain to your service provider, such as your GP, dentist, hospital or pharmacist.

Ask your GP, hospital or trust for a copy of its complaints procedure, which will explain how to proceed. Your first step will normally be to raise the matter (in writing or by speaking to them) with the practitioner, e.g. the nurse or doctor concerned, or with their organisation, which will have a complaints manager.

The process is called local resolution, and most cases are resolved at this stage.

Alternatively, you can complain to the commissioner of that service.

In the past, this was your local primary care trust (PCT). PCTs ceased to exist on 1 April 2013. Now you need to take your complaint to either NHS England ([england.contactus@nhs.net](mailto:england.contactus@nhs.net)) or your local Clinical Commissioning Group (CCG).

In general, NHS England commissions most primary care services like GP and dental services. CCGs oversee the commissioning of secondary care such as hospital care and some community services.

## **The Parliamentary and Health Service Ombudsman**

If you're still unhappy, you can refer the matter to the Parliamentary and Health Service Ombudsman, who is independent of the NHS and government. The Ombudsman has prepared a leaflet which provides further information and you can contact them on 0345 015 4033.

## **When should I complain?**

As soon as possible. Complaints should normally be made within 12 months of the event that you're complaining about, or as soon as the matter first came to your attention.

The time limit can sometimes be extended as long as it's still possible to investigate the complaint. An extension might be possible in situations where it would have been difficult for you to complain earlier – for example, because you were grieving or undergoing trauma.

## Further information

For full and detailed information see Complaints about NHS services (NHS website) (<http://www.nhs.uk/YourHealth/Pages/Complaints.aspx>)

## 2. Complaining locally (private care)

If you received private healthcare, such as care from

- An independent (private) hospital
- An independent (private) specialist clinic
- Hospice care
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please speak to the place where you received care. Each private healthcare provider has its own complaints procedure and will be able to advise you on the process for making a complaint.

In a small number of cases there may be doctors working completely independently from any structured organisation and there will be no complaints procedure. If you do have a concern about a doctor who works independently, then the GMC will look at your complaint. If you have any queries, talk to someone from our contact centre (0161 923 6602) who will be able to advise you.

## 3. Complaining to the GMC

The General Medical Council is responsible for ensuring that doctors in the UK meet the standards of good medical practice we set for them. This means that in more serious cases, we can take action to stop a doctor from practising or to restrict their practice in some way.

If you think your doctor is not fit to practise or may be a risk to patients, then please contact us.

If you are not sure whether you should make a complaint, it may be helpful to discuss your concerns with us by ringing 0845 357 0022. All calls are confidential and we will advise you what to do.

These are examples of the types of cases where we may need to act:

- serious or repeated mistakes in carrying out medical procedures or in diagnosis, such as prescribing drugs in a dangerous way
- failure to examine a patient properly or to respond reasonably to a patient's needs
- fraud or dishonesty
- serious breaches of a patient's confidentiality
- any serious criminal offence – If you think that a doctor has committed a criminal offence, you should contact the police as well as the GMC.

### **What can the GMC do?**

If we identify concerns about the doctor that mean we need to take action, we can:

- issue a warning
- agree undertakings, for example the doctor agrees to re-train, or work under supervision
- refer the doctor to the Medical Practitioners Tribunal Service for a medical practitioners tribunal hearing which as well as the above can additionally:
  - put conditions on the doctor's registration so that they are only allowed to do medical work under supervision or so that they are restricted to certain areas of practice
  - suspend the doctor's name from the register – so that they cannot practise during the suspension period
  - remove the doctor's name from the register.

### **What can't the GMC do?**

We cannot:

- give you a detailed explanation of what happened to you – this can only come from the doctor or the healthcare organisation
- order a doctor to provide the treatment you want
- help you with a claim for compensation
- fine a doctor
- order a doctor to give you access to your records
- make a doctor apologise to you.

## 4. Help and advice organisations

Making a complaint can be daunting, but help is available.

### Healthwatch

Local Healthwatch organisations will:

- have the power to enter and view services
- influence how services are set up and commissioned by having a seat on the local health and wellbeing board
- produce reports that influence the way services are designed and delivered
- provide information, advice and support about local services
- pass information and recommendations to Healthwatch England and the Care Quality Commission
- represent the views of people who use services, carers and the public on the health and wellbeing boards set up by local authorities
- provide a complaints advocacy service to support people who make a complaint about services
- report concerns about the quality of healthcare to Healthwatch England, which can then recommend that the CQC takes action.

### Patient Advice and Liaison Service (PALS)

Officers from the Patient Advice and Liaison Service (PALS) are available in all hospitals.

They offer confidential advice, support and information on health-related matters to patients, their families and their carers.

### NHS Complaints Independent Advocacy Service

Since 1 April 2013, individual local authorities have a statutory duty to commission independent advocacy services to provide support for people making, or thinking of making, a complaint about their NHS care or treatment.

Arrangements will vary between local authority areas.

Contact your local PALS or complaints manager, or local authority for information about how this service is provided in your area.

### **Citizens Advice Bureau**

Your local Citizens Advice Bureau can be a great source of advice and support if you want to complain about the NHS, social services or local authorities.

You can find your local Citizens Advice Bureau on its website:

<http://www.citizensadvice.org.uk>

## **5. Other complaints**

There are a range of complaints, which the GMC cannot deal with, for example if

- the patient feels let down by a system, not an individual
- the patient feels let down by a team of people, not an individual
- the patient feels let down by an individual who is not a doctor

In these cases, patients are advised to contact the help and advice organisations which are named on the Local help services page.

These organisations will advise you on the appropriate organisation to contact to make your complaint.