

Making a complaint

Making a complaint: the key facts & how to get started

Everyone who uses the NHS has the right to complain about the service.

This factsheet tells you how to make a complaint in England.

If you live in Scotland, Wales or Northern Ireland you also have the right to complain. The way you make a complaint varies slightly between countries. This factsheet includes links to organisations who can help you.

Three tips for making a complaint about the NHS

- You have 12 months to make a complaint from the time of the treatment you are complaining about.
- Ask to see your healthcare records before you complain.
- Make notes of what happened as soon as you can.

How do I make a complaint and what happens if I do?

In this factsheet we take you through the complaints process in the NHS. If you want to make a complaint about the maternity care you are receiving or have received, you should follow this process.

Once you have gathered your information you make your complaint to the NHS Trust that looked after you. Or you can complain about an individual

member of healthcare staff to their professional organisation.

If you are not happy with the way your complaint was dealt with, you can take your complaint to the independent Ombudsman. In England this is the Parliamentary and Health Service Ombudsman.

In some cases, if you are not happy with the way your complaint was dealt with you can take legal action.

We suggest you read the whole factsheet so that you understand the process before you make a complaint.

Who can help me make a complaint about the NHS?

Our free and confidential advice service helps anyone who needs advice about their rights during pregnancy and childbirth. We can give you advice on making a complaint. We help healthcare professionals too.

- Contact Birthrights via our [contact form](#) or email advice@birthrights.org.uk.

What are my rights?

Can I make a complaint about the NHS?

Every patient in England has the right to make a complaint about NHS services. You are guaranteed this by the [NHS Constitution](#).

What is the NHS complaints procedure?

The NHS must follow a [statutory complaints procedure](#). This sets out in law exactly what it must do when you make a complaint.

It also sets out timescales for the NHS to follow. They should acknowledge your complaint in three working days and offer to discuss with you how they will handle your complaint. They should also discuss how long it will take them to answer your complaint. If they cannot answer it within six months they must tell you why. You should receive a written response to your complaint.

These timescales are slightly different in [Wales](#), [Scotland](#), and [Northern Ireland](#).

The NHS must deal with all complaints efficiently. It must investigate all complaints properly.

You have a right to know what the investigation found.

If you are not happy with the way your complaint was dealt with you can take your complaint to the independent [Parliamentary and Health Service Ombudsman](#). There are also independent Ombudsmen in [Wales](#), [Scotland](#) and [Northern Ireland](#).

We go through each step in more detail below.

What can I complain about?

You have the right to be treated with dignity and respect at all times during your care. If this does not happen you can make a complaint. It is ok to make a complaint even if you think what happened to you was minor or no serious harm was done.

There are also other ways to find out more about what happened in your care, and to give feedback (good or bad) to maternity services. Telling the services what you thought of your care can help improve care for others in future. These are also described in this factsheet.

What should I do if I'm pregnant and worried about my maternity care?

If you have concerns about your maternity care before you give birth, talk to your midwife or doctor as soon as you can.

If you still need help, you can contact the Head or Director of Midwifery, who will support you. Their details will be on the Trust or Board website.

- Birthrights' free and confidential advice service helps pregnant people and healthcare professionals who need advice about rights in maternity care. Contact us via our [contact form](#) or email at advice@birthrights.org.uk.

I am unhappy about the care I received: how do I find out what happened?

In some areas, NHS midwives run a 'Birth Afterthoughts' or 'Birth Reflections' service. You have the opportunity to go through your maternity notes and experience with a midwife, and they will try to answer any questions you have.

Birth Afterthoughts services also give NHS Trusts a chance to resolve questions so that you do not need to make a formal complaint.

Your local [Patient Advice and Liaison Service](#) (PALS) or maternity unit should be able to tell you if there is a Birth Afterthoughts or Reflections scheme in your area.

How can I provide feedback to my Trust or Board?

If you want to help improve care at your Trust or Board, you can talk to your local Maternity Voices Partnership (MVP) or Maternity Services Liaison Committee (MSLC). This is a group including people who have used maternity services, midwives, doctors, commissioners and others who work together to improve local maternity care.

You can provide feedback to them about your experience. If you want, you can

also get involved in the work they do to improve services.

You should be able to find out how to contact them on your Trust's website. The National Maternity Voices group has a [map](#) with details of MVPs and MSLCs.

There are other ways of providing feedback, for example you may be asked to fill in the [NHS Friends and Family Test](#).

What do I need to do before making a complaint to the NHS?

If you are thinking about making a complaint, it is a good idea to make a note of your experience as soon as you can. You could also ask anyone who was with you to write down what they saw or heard and to give you a copy.

Before you make a complaint, ask to see a copy of your or your baby's healthcare records.

You should generally wait to receive the records before you make a complaint. You may have a better understanding of what happened and who was involved in you care once you have seen your notes.

- You can read more on our factsheet, [Your right to see your maternity records](#).

Who do I complain to if I am unhappy about my maternity care?

You can complain to the NHS body responsible for your care. This is usually a [hospital Trust](#), but it could be your GP, or an [ambulance Trust in some circumstances](#).

Your NHS Trust will have a complaints team and information about how to make a complaint on its website. The complaints team is often called the Patient Advice and Liaison Service (PALS) team but might also be called their patient experience team or their concerns team.

You can also get support with making a complaint. Each area in England has an organisation that can help you make a complaint, which is independent from the hospital. You should be able to find out who this is in your area from your Trust website, or by asking the Trust. The Trust's [Patient Advice and Liaison Service \(PALS\)](#) team should be able to help too.

If you are in Wales, Scotland or Northern Ireland you can ask:

- [Your local Community Health Council in Wales](#)
- The [Patient Advice and Support Service \(PASS\)](#) in Scotland, or
- The [Patient and Client Council](#) in Northern Ireland.

You can also complain to a professional body. These organisations set standards for doctors, nurses and midwives.

- To complain about a doctor, you need the [General Medical Council](#).
- To complain about a midwife or nurse, you need the [Nursing and Midwifery Council](#).

You can complain to the [Clinical Commissioning Group](#) that commissioned (paid for) the maternity care that you received. This is especially relevant if your complaint is about policies or the treatment or service provided, rather than the way an individual healthcare professional behaved.

Who should I send my complaint to?

You can address your complaint to the Patient Advice and Liaison Service or complaints team or to the Chief Executive of the NHS Trust.

You can also send a copy of your complaint to the Head of Midwifery, the Director of Women's Services, the

Director of Nursing, and/or the consultant responsible for your care.

You can also copy your complaint to the organisation in your area which provides support with complaining. In some parts of the country these organisations have a role in looking at the themes from complaints to identify where improvements are needed.

- If you need more specific advice on how to make a complaint, please contact us for advice via our [contact form](#) or email advice@birthrights.org.uk.

What should I write in my complaint?

Include as much detail as you can in your complaint.

Give the names of the people involved in your care if you can.

It is useful to number the points you make in your complaint. This will help you check that the care provider has answered every point you raise.

Be clear what you want to happen as a result of your complaint. For example, do you want an apology, a change in policy/procedure, staff to undertake training? It can be helpful to list any actions you want taken as bullet points at the start of your letter.

What happens when I make a complaint to the NHS?

When you make a complaint the [NHS statutory complaints procedure](#), [NHS complaints policy](#) and [patient guidance](#) sets out what happens.

NHS Trusts also have their own local procedures. These are based on the statutory procedure. Your local [Patient Advice and Liaison Service \(PALS\)](#) should be able to give you a copy of the NHS Trust's complaints procedure and contact details.

Once you have made a complaint, the care provider should send you an acknowledgement within three working days. This should confirm that they received your complaint and say what will happen next. They should give you a timeline for a response to your complaint.

NHS bodies must investigate your complaint speedily and efficiently. They must keep you informed about the progress of the investigation.

You may be invited to a meeting at the hospital, surgery or clinic to discuss your complaint. You can ask for the meeting to be held at your home or somewhere neutral, if that would make you more comfortable. It is a good idea to take someone who was not involved in your birth with you to the meeting.

The NHS body should respond to your complaint in writing. The body must usually send its response to your complaint within six months of you making the complaint. If they will not be able to do this, they have to tell you why.

They should explain how they looked at your complaint and what conclusions they reached. They should tell you if the care provider plans to take any action because of your complaint. For example, they could take disciplinary action against staff or change their policies or the way they work.

If the care provider accepts that they made mistakes in your care, they should apologise.

You cannot be offered compensation through the complaints process.

Is there a time limit for making a complaint against the NHS?

You must make a formal complaint within 12 months of the treatment you are complaining about.

This is set out in the NHS complaints procedure.

The deadline can be extended if you have good reasons for not complaining within the time limit and it is still possible to investigate the complaint fairly and effectively.

If you find a reason for making a complaint after 12 months have passed, for example if you find out a new piece of information relating to your care, you can ask if the Trust will still investigate your complaint.

Trauma about your experience of maternity services could well mean that you could not make your complaint within 12 months. You should not be put off making a complaint outside the time limit.

You could write to the care provider before the 12 months is over to tell them that you plan to make a complaint when you are well enough.

What if I'm not happy with the answer to my complaint?

If you are not happy with the way the NHS body answered your complaint, you can refer it to the [Parliamentary and Health Service Ombudsman](#). The Ombudsman is independent and does not take sides. It resolves complaints against the NHS in England.

The Ombudsman will usually only accept a complaint if you and the health body have not been able to resolve your complaint.

If you are unhappy with the way that the NHS body handled your complaint you can include this in your complaint to the Ombudsman.

There are also independent Ombudsmen in [Wales](#), [Scotland](#) and [Northern Ireland](#).

Can I complain about an individual person in the NHS?

You can complain about an individual member of staff to their professional body, saying that the way they behaved means they are not fit to practise.

To complain about a doctor, you need the [General Medical Council](#).

To complain about a midwife or nurse, you need the [Nursing and Midwifery Council](#).

Professional bodies usually expect the NHS body that employs the person you are complaining about to try to resolve the issue before they get involved.

Can I take legal action?

If you feel that your complaints have not been listened to or properly dealt with you can take legal action.

The court will expect you to have complained to the NHS body before you start legal action. You must have tried to resolve the complaints with them. It is important to know that the Parliamentary and Health Services Ombudsman will not look at your case if you are considering legal action.

There are time limits for taking legal action:

- a claim by or on behalf of the person who gave birth must be issued within three years of the birth
- a child will usually be able to make a legal claim until their 21st birthday
- If a child does not have the mental capacity to make a claim there is no time limit for making a claim.

Where can I find help with taking legal action against the NHS?

Legal action is often expensive and you may not recover all of your costs. You

should seek independent legal advice before starting a claim.

Many solicitors' firms offer a free legal assessment of personal injury or medical negligence claims. You can find a solicitor at <https://solicitors.lawsociety.org.uk/>.

A solicitor who offers a free assessment will want to know what happened to you. They will be looking to assess whether the care you received was negligent, what damage was done to you, and whether they can show a link between any negligent care and the damage.

Some solicitors may offer to take cases on a 'conditional fee agreement'. This is sometimes called 'no win, no fee'. A solicitor will be able to discuss what it means and whether this is an option for you.

The following organisations may also be helpful:

- [Action against Medical Accidents](#) is a charity that promotes better patient safety and justice for people who have suffered avoidable harm. It offers free and confidential advice and support, including a helpline. It also offers [more detail on options for funding legal costs](#) including conditional fee agreements.
- [Citizens Advice](#) also offers guidance on taking legal action and on making a complaint about care.
- [NHS Resolution](#) (formerly the NHS Litigation Authority) provides

information on how negligence claims are handled.

About Birthrights

Birthrights factsheets give you information about your human rights when you are pregnant and giving birth.

- Contact Birthrights for help on our [advice form](#) or by emailing advice@birthrights.org.uk.

Birthrights champions respectful care during pregnancy and childbirth by protecting human rights. We provide advice and information to women and birthing people, train doctors and midwives, and campaign to change maternity policy and systems.

We are a charity, independent of the government and the NHS.

www.birthrights.org.uk

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