

Concerns and Complaints about Health Services in Wales

July 2017

About HIW

Healthcare Inspectorate Wales (HIW) is an independent inspectorate. Our role is to regulate and inspect on behalf of Welsh Ministers, NHS services and independent healthcare providers in Wales against a range of standards, policies, guidance and regulations and to highlight areas requiring improvement.

We protect the interests of people whose rights are restricted under the Mental Health Act and other relevant laws.

We also undertake special reviews or investigations where there may be systemic failures in delivering health services to ensure that improvement and learning takes place.

We are also the Local Supervising Authority for Midwives and responsible for exercising general supervision over all midwives practicing in Wales.

Our other responsibilities include working with:

- The Prisons and Probation Ombudsman on investigations into deaths in Welsh prisons; and
- Her Majesty's Inspectorate of Probation and others on inspections of Youth Offending Teams in Wales.

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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This booklet and other HIW information can be provided in alternative formats or languages on request. There will be a short delay as alternative languages and formats are produced when requested to meet individual needs. Please contact us for assistance (using the contact details on the back page of this booklet).

Introduction

Although most people don't encounter problems when using health services, sometimes things can go wrong.

This booklet explains what to do if you:

- Are not happy with the care or treatment you or someone else has received
- Have any other concerns about health services that you think we should know about.

It tells you who to contact and how to report a concern or make a complaint. The way to do this will depend on whether the healthcare is provided or paid for by the NHS, is paid for privately or if you are subject to treatment provided under mental health legislation.

This booklet does not explain what to do if you:

- Work in health services and have concerns about the care and treatment provided by your employer
- Think we have got something wrong and want to complain to us about our work.

We have produced separate guidance on these matters. For further information, please contact us directly (using the contact details on the back page of this booklet) or visit our website at www.hiw.org.uk.

HIW's role in relation to concerns or complaints

We are responsible for checking that anyone who provides health services in Wales meets required standards of quality and safety. This includes services provided by the NHS or independent healthcare providers (services run by private or voluntary organisations).

Our statutory role does not routinely include investigating individual concerns or complaints or the particular circumstances of an individual patient's care and treatment. Nor does it include individual complaints about professional misconduct, change to service configurations or specific matters which are subject to legal process.

The exception to this may be complaints from people (or their representatives) whose rights are restricted under the Mental Health Act and other relevant laws about the way healthcare staff have used their powers.

Sharing your experience with us

Even though we cannot normally investigate your individual concern or complaint about health services, we would still like to hear from you if you were not happy about the care and treatment you received.

We keep a record of all the concerns and complaints reported to us and regularly monitor this so that we can establish an overall picture of the quality and safety of health services. We also use the information to check if services are meeting required regulations and standards.

We gather our information and intelligence from a range of sources. This includes our inspection findings, notifications from health services about serious incidents, information from other inspection, audit and regulation bodies, as well as the valuable information we gain from patients, relatives and carers about their experience of health services.

If we receive a number of similar concerns about a health service, this might trigger an unannounced inspection visit. The information may also provide a picture of similar concerns being experienced across Wales, which may lead to us undertaking a special review.

When we become aware of concerns or complaints we may also ask the health service provider to keep us informed of the outcome of their investigation so that we can be sure that your own concern or complaint has been appropriately dealt with.

There may be circumstances when the information you make us aware of indicates that a patient may be in danger of imminent harm or has been harmed. In this situation we will take immediate action to ensure their safety and also share this information with other agencies such as the Police.

How to raise a concern or make a complaint

NHS services

In April 2011, a new procedure for raising concerns about the NHS was introduced in Wales, called 'Putting Things Right'. This means that all NHS organisations in Wales must deal with your concern with openness and honesty, conduct a thorough and appropriate investigation and provide you with a prompt acknowledgement and detailed response about how the matter will be taken forward.

Full guidance on how to complain to the NHS is available to download from the Putting Things Right website

www.puttingthingsright.wales.nhs.uk. You can

also request a copy of the Putting Things Right guidance from your Local Health Board, NHS Trust or any Welsh Government office.



If you have a concern about NHS services you have received from your hospital, General Practitioner (GP), dentist, pharmacist or optician the best place to start, if you feel able to do so, is by talking to the staff who were involved with your care and treatment. They can try to sort out your concern immediately.

If this doesn't help or if you do not want to speak to staff who provided the service, then you can contact a member of the Concerns Team in your Local Health Board or the relevant NHS Trust. Details are available on the Useful Contacts page of this booklet.

Helping you to raise a concern

If your concern is about something that has happened to you, you can raise the concern yourself. If you prefer, a carer, friend or relative can represent you, but you will be asked to agree to this.

You may also ask your local Community Health Council (CHC) to help you. Your local CHC can provide a free and independent advocacy service to help you or the people acting for you to raise a concern. Details are available on the Useful Contacts page of this booklet.

Independent health care paid for by the NHS

If the NHS funds your care in an independent healthcare setting, the NHS is responsible for the quality of your care. If you are not happy about the care and treatment you have received you can raise your concern with the staff involved. If you have raised your concern and you are not happy with the response, or you do not feel able to raise it with the staff you can raise it with a member of the Concerns Team in your Local Health Board.

If you are not happy with the response you get

If you are unhappy with the response you receive from your Local Health Board or Trust you can ask the Public Services Ombudsman for Wales (PSOW) to look at your concern. The Ombudsman has legal powers to consider and investigate complaints about public services in Wales and can look into complaints that you have been treated unfairly or received a bad service through some failure on the part of the body providing it.

You can also contact the Ombudsman if you have raised a concern but think that the NHS organisation is taking too long to deal with it. For most complaints this will be thirty working days and should never exceed a maximum of 6 months. The service is free of charge, impartial and independent of all government bodies.

Details are available on the Useful Contacts page of this booklet.

Independent Healthcare

If you want to make a complaint about an independent healthcare service, you should contact the person or organisation that provides the service. By law, they must have a procedure for dealing efficiently with patients' complaints.

You may also share your concerns with us. Although we cannot investigate your complaint, we will check that the service is meeting the regulations and standards set as a requirement of registration with HIW.

The Welsh Independent Healthcare Association (WIHA) and the Independent Healthcare Advisory Service (IHAS) represent many independent healthcare services registered in Wales. They have a code of practice for members on dealing with patients' complaints, and offer an independent adjudication service for complaints that cannot be resolved at a local level.

The Dental Complaints Service is an independent service established by the General Dental Council to assist private dental patients and dental professionals resolve complaints about private dental services.

Details of these organisations are available on the Useful Contacts page of this booklet.

Treatment provided under mental health legislation

Through the work of our Mental Health Review Service, we protect the rights and interests of people who are detained in hospital or are subject to supervised community treatment. If you have concerns about a decision made in relation to your detention or your community treatment order under mental health legislation you should take the following steps.

If you are unhappy about a decision to detain you

If you wish to complain about a decision to detain you, you should contact your Hospital Manager. The Hospital Manager will decide whether you should remain at the hospital. They will also advise you what you can do next, including how to apply to the Mental Health Review Tribunal for Wales for a review of your detention.

You are also entitled to help and support from an independent mental health advocate who will help you to prepare and make your application to the Tribunal.

Should you wish to apply for a review of your detention by the Mental Health Review Tribunal you are able to get the help of a solicitor. This is usually free of charge under the Legal Aid scheme.

The hospital can provide you with contact details of independent advocates and solicitors.

Details of the Mental Health Review Tribunal and legal aid organisations are available on the Useful Contacts page of this booklet.

If you are unhappy about your care and treatment for mental health issues

If you wish to raise a concern about the way somebody has used their Mental Health Act powers, our Review Service for Mental Health may be able to help you, but we will expect you to have raised your concern locally first. To do this, or to raise a concern or make a complaint about general issues relating to the care and treatment you have received, you should follow the procedures in “NHS Services” or in “Independent Healthcare” earlier in this section. As well as the support available described above to help you do this, you are entitled to help and support from an independent mental health advocate. The hospital can provide you with contact details of the local service.

We have published a separate booklet that provides further details about our Review Service for Mental Health. For more information, contact us directly or visit our website at: www.hiw.org.uk.

If you have concerns about a health care professional

Health care professionals include:

- chiropractors
- dentists
- doctors
- midwives
- nurses
- opticians
- osteopaths
- paramedics
- pharmacists; and
- physiotherapists

To practice in one of these professions in the UK a person must be registered with one of the regulators below:

- General Chiropractic Council (GCC)
- General Dental Council (GDC)
- General Medical Council (GMC)
- General Optical Council (GOC)
- General Osteopathic Council (GOsC)
- General Pharmaceutical Council (GPhC)
- Health Professions Council (HPC)
- Nursing and Midwifery Council (NMC)

All health care professionals must meet the standards given in their code of conduct or code of practice for their profession. They must:

- have the right skills to treat or care for you
- treat you with dignity and respect, and
- act professionally and with integrity.

If you have concerns about the ability or behaviour of someone who has treated or cared for you, you should raise your concern at the place where you received the care or treatment. You may want to talk to the person involved, or to their employer, to see if they can put things right.

However if you think that what has happened is so serious that it questions a professional's ability to provide safe treatment or care, you may want to contact the appropriate health professional regulator who can investigate and take action for you.

Further details about the regulators and the professions they regulate are available in the Council for Healthcare Regulatory Excellence (CHRE) leaflet "Who regulates health and social care professionals?". Details are available on the Useful Contacts page of this booklet.

Useful Contacts

Here are some organisations that can give helpful advice and support about raising a concern or making a complaint about health services:

➤ The Children's Commissioner for Wales

The Children's Commissioner for Wales protects and promotes the rights and welfare of children and young people in Wales. The Advice and Support service is free and confidential. It is a source of help and support if children, young people or those who care for them feel that a child has been treated unfairly. Officers can either point people in the right direction to another organisation best placed to help or the Commissioner has the power to look at individual complaints.

Contact the Children's Commissioner at:

Oystermouth House
Phoenix Way
Llansamlet
Swansea
SA7 9FS

Phone: 01792 765600
Fax: 01792 765601

Penrhos Manor
Oak Drive
Colwyn Bay
Conwy
LL29 7YW

Phone: 01492 523333
Fax: 01492 523336

Children & young people's freephone number: 0808 801 1000

Email: post@childcomwales.org.uk

Website: www.childcom.org.uk, www.complantcymru.org.uk

► Citizens Advice

The Citizens Advice service aims to provide the advice people need for the problems they face. The service provides free, independent, confidential and impartial advice to everyone on their rights and responsibilities.

Advice is available online, by phone and face-to-face at a Citizens Advice Bureau.

Contact the Citizens Advice service at:

Phone: 0844 477 2020

Website: www.adviceguide.org.uk/wales.htm

► Community Health Councils (CHCs)

CHCs provide free, independent advice and support to help you or the people acting for you to raise a concern, including putting you in touch with specialist advocacy services if you need them.

Find out about your local CHC by contacting the Board of Community Health Councils in Wales at:

Board of Community Health Councils in Wales

2nd Floor

33-35 Cathedral Road

Cardiff

CF11 9HB

Phone: 0845 644 7814 / 029 2023 5558

Email: enquiries@waleschc.org.uk

Website: www.communityhealthcouncils.org.uk

➤ The Council for Healthcare Regulatory Excellence (CHRE)

The Council for Healthcare Regulatory Excellence (CHRE) is an independent organisation that is accountable to Parliament. Its main job is to promote the health, safety and well-being of patient and other members of the public in England, Northern Ireland, Scotland and Wales. CHRE oversees the eight healthcare regulators who are listed on page 13, working with them to improve the way that professionals are regulated. To contact CHRE, phone 020 7389 8030 or go to www.chre.org.uk.

Details of all the health professional regulators are available on the CHRE website at: www.chre.org.uk/regulators/

➤ Dental Complaints Service

The independent Dental Complaints Service is funded by the General Dental Council. It assists private dental patients and dental professionals to resolve complaints about private dental services.

Contact the Dental Complaints Service at:

Dental Complaints Service

Stephenson House

2 Cherry Orchard Road

Croydon CR0 6BA

Phone: 08456 120 540

Fax: 0208 263 6100

Email: info@dentalcomplaints.org.uk

Website: www.dentalcomplaints.org.uk

➤ Information Commissioner's Office (ICO)

The ICO in Cardiff provides a local point of contact for members of the public and organisations based in Wales. As well as operating an advice service to address general enquiries on data protection and freedom of information, it promotes good practice in information rights by raising awareness of organisational responsibilities across all sectors.

Contact the Information Commissioner at:

Information Commissioner's Office – Wales

2nd Floor

Churchill House

Churchill Way

Cardiff

CF10 2HH

Phone: 029 2067 8400

Fax: 029 2067 8399

Email: wales@ico.gsi.gov.uk

Website: www.ico.gov.uk

➤ Local Health Boards and NHS Trusts

Full contact details for Local Health Boards and NHS Trusts in Wales can be found on the website www.wales.nhs.uk or by calling NHS direct on 0845 4647.

► Mental Health Review Tribunal for Wales

The Mental Health Review Tribunal for Wales (MHRT for Wales) is an independent judicial body. It hears applications and references for people subject to the Mental Health Act 1983, particularly:

- detained patients;
- conditionally discharged patients;
- supervised community treatment patients; and
- guardianship patients.

The MHRT for Wales is obliged to follow the procedure laid down in the Mental Health Review Tribunal for Wales Rules 2008.

Contact the MHRT for Wales at:

The Mental Health Review Tribunal for Wales
4th Floor
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ
Phone: 029 2082 5328
Fax: 029 2082 6331

Should you wish to apply for a review of your detention by the MHRT you are able to get the help of a solicitor. Contact details for the Legal Services Commission or Community Legal Advice are below:

➤ Legal Services Commission (LSC)

The Legal Services Commission (LSC) runs the legal aid scheme in England and Wales.

The LSC works in partnership with solicitors and not-for-profit organisations to provide information, advice and legal representation to people in need.

Contact the LSC Wales Office at:

Legal Services Commission

Marland House

Central Square

Cardiff

CF10 1PF

Phone: 0300 2002020

Welsh callers: 0845 609 9989

Fax: 029 2064 7173

Email: cardiff@legalservices.gsi.gov.uk

► Community Legal Advice (CLA)

Community Legal Advice (CLA) is a free and confidential advice service in England and Wales paid for by legal aid.

Contact the CLA at:

Phone: 0845 345 4345

Text 'legalaid' and your name to 80010 and CLA will call you back within 24 hours.

Website: www.communitylegal.org

► Older People's Commissioner for Wales

The role of the Older People's Commissioner for Wales is to ensure that the interests of older people in Wales, who are aged 60 or more, are safeguarded and promoted. The Commissioner's office can provide information, advocacy and support.

Contact the Older People's Commissioner at:

Older People's Commissioner for Wales

Cambrian Buildings

Mount Stuart Square

Butetown

Cardiff

CF10 5FL

Phone: 08442 640670 or 029 2044 5030

Email: ask@olderpeoplewales.com

Fax: 08442 640680

Website: www.olderpeoplewales.com

► Public Services Ombudsman for Wales (PSOW)

The Public Services Ombudsman for Wales has legal powers to look into complaints about public services in Wales. The Ombudsman is independent of all government bodies, and has a team of people who help him consider and investigate complaints. The service provided is impartial and free of charge.

Contact the PSOW at:

Public Services Ombudsman for Wales

1 Ffordd yr Hen Gae

Pencoed

CF35 5LJ

Phone: 0845 601 0987 (local call rate)

Fax: 01656 641199

E-mail: ask@ombudsman-wales.org.uk

Website: www.ombudsman-wales.org.uk

➤ Welsh Independent Healthcare Association (WIHA) and the Independent Healthcare Advisory Service (IHAS)

The Welsh Independent Healthcare Association (WIHA) and the Independent Healthcare Advisory Service (IHAS) represent many independent healthcare services registered in Wales. They have a code of practice for members on dealing with patients' complaints, and offer an independent adjudication service for complaints that cannot be resolved at a local level.

Contact them at:

Sally Taber
Secretariat to WIHA
Centre Point
103 New Oxford Street
London, WC1A 1DU
Phone: 020 7379 7721
Fax: 020 7379 8586
Email: sallytaber@independenthealthcare.org.uk
Website: www.independenthealthcare.org.uk

The Independent Healthcare Advisory Service (IHAS)
Centre Point
103 New Oxford Street
London, WC1A 1DU
Phone: 0207 379 8598
Fax: 0207 379 8586
Email: info@independenthealthcare.org.uk
Website: www.independenthealthcare.org.uk

Healthcare Inspectorate Wales

Welsh Government
Rhydycar Business Park
Merthyr Tydfil
CF48 1UZ

Phone: 0300 062 8163

Fax: 0300 062 8387

Email: hiw@gov.wales

Website: www.hiw.org.uk