

# One Stop Guide for Complaints about Healthcare in Scotland

Getting help with your complaint

## About the Professional Standards Authority

The Professional Standards Authority for Health and Social Care<sup>1</sup> promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent body, accountable to the UK Parliament.

We oversee the work of nine statutory bodies that regulate health professionals in the UK and social workers in England. We review the regulators' performance and audit and scrutinise their decisions about whether people on their registers are fit to practise.

We also set standards for organisations holding voluntary registers for people in unregulated health and care occupations and accredit those organisations that meet our standards.

To encourage improvement we share good practice and knowledge, conduct research and introduce new ideas including our concept of right-touch regulation.<sup>2</sup> We monitor policy developments in the UK and internationally and provide advice to governments and others on matters relating to people working in health and care. We also undertake some international commissions to extend our understanding of regulation and to promote safety in the mobility of the health and care workforce.

We are committed to being independent, impartial, fair, accessible and consistent. More information about our work and the approach we take is available at [www.professionalstandards.org.uk](http://www.professionalstandards.org.uk).

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<sup>1</sup> The Professional Standards Authority for Health and Social Care was previously known as the Council for Healthcare Regulatory Excellence

<sup>2</sup> CHRE. 2010. *Right-touch regulation*. Available at <http://www.professionalstandards.org.uk/policy-and-research/right-touch-regulation>



Although we do not investigate complaints about healthcare, people often contact us and ask us to help so we have put this guide together to help you.

We realise making a complaint about your healthcare or about the treatment provided to a relative can sometimes be a difficult decision to make.

The NHS is made up from numerous different organisations and it is not always clear when, where and how to raise concerns. Getting an answer to your concerns is not always straightforward and it is important to ensure that you direct your complaint to the correct organisation so that your complaint can be investigated properly.

If you are thinking about making a complaint, there are a number of organisations which can help and guide you through the NHS complaints procedure.

This quick reference guide presents the options you have when making a complaint about the NHS in Scotland and where complaints about non NHS care should be taken.

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# Contents

If you want to make a complaint about NHS care.....	5
If you want to complain about the care you paid for (non NHS) .....	8
If you want to complain about care provided outside of Scotland in the UK .....	9
If you want to share your experience about healthcare regulators .....	9

# If you want to make a complaint about NHS care

## First steps

If you feel able to do so, the best thing to do first is to raise your concern with the people involved. This could be the doctor or nurse who treated you, their colleague or line manager. Explain what happened, why you are unhappy and what you would like to happen to help put things right (for example, an apology). You can raise the concern yourself or you can give permission for someone to do it on your behalf.

## If you do not want to make a formal complaint

Ask for the name of someone appropriate for you to speak with or write to. For example, the person in charge of the service you have concerns about or someone from the complaints team. If you are not sure who you should talk with, ask the organisation for help.

## If you want to make a formal complaint

You should ask for the organisations complaint procedure before writing down your concerns to help make sure you are making the complaint to the right person or team.

### Describe:

- (1) What happened;
- (2) Who was involved;
- (3) When and where it took place;
- (4) How it has affected you;
- (5) What you would like to happen as a result of your complaint;
- (6) Ask for an acknowledgment of your complaint (you should receive this within three days of making the complaint);
- (7) Agree how often you will be kept updated on the progress of your complaint;
- (8) Make sure you give your name and contact details, and how you would like to be contacted.

**Please note that complaints should be made within 12 months of the event leading to the complaint taking place and that organisations should provide their full response within six months.**

## If you want information on the NHS complaints procedure

NHS Scotland can help you find the full name and address of the organisation you want to complain about, by looking through this part of its website:

<http://www.show.scot.nhs.uk/sites-a-z/>

- The [General Medical Council has produced this advice booklet](#). If you want help with making your complaint
- [Scottish Independent Advocacy Alliance](#)
- [Patient Advice and Support Service](#)

- [Citizens Advice](#)
- The (English) [Parliamentary and Health Service Ombudsman has listed tips on how to make a complaint](#)

If you have completed the first stage of the NHS complaints procedure and do not think that your concerns have been properly looked at, you can complain to the Scottish Public Services Ombudsman.

The Ombudsman can be telephoned on: **0800 377 7330**

[Follow this link for information on how the Ombudsman will consider your complaint.](#)

### **If you want help with making your complaint**

You can get free and confidential advice about the complaint process and help with making your complaint from:

- [Healthwatch](#)
- [NHS Complaints Advocacy Service](#)
- [Patient Advice and Liaison Service \(PALS\)](#)
- [Citizens Advice](#)
- [POhWER](#)
- [SEAP](#)

The Parliamentary and Health Service Ombudsman [has listed tips on how to make a complaint](#).

If you have completed the first stage of the NHS complaints procedure and do not think that your concerns have been properly looked at, [you can complain to the Parliamentary and Health Service Ombudsman](#). The Ombudsman can be telephoned on: 0345 015 4033

### **If you want to complain about mental health care**

You can complain about mental health care through the NHS complaints process. But complaints about mental health detention should be made to the Mental Health Tribunal for Scotland.

Information about this can be found at:

[http://www.mhtscotland.gov.uk/mhts/About\\_Tribunal/Complaints](http://www.mhtscotland.gov.uk/mhts/About_Tribunal/Complaints)

You can get help with your complaint from the following organisations:

- [The Mental Welfare Commission for Scotland](#)
- [Scottish Independent Advocacy Alliance](#)

### **If you want to complain about the regulatory organisations**

If you are concerned about the conduct of a health professional or have fitness to practise concerns, you can complain to the relevant regulatory organisations (listed below). You can do this at the same time as complaining to the health organisation or to the Scottish Public Services Ombudsman.

[Citizens Advice provide general guidance on how to complain to the regulators](#)

You can consult the individual regulatory organisations for advice on when and how to bring concerns to their attention, on the following telephone numbers and websites:

- [Nursing and Midwifery Council](#) (nurses and midwives) Telephone: 020 7637 7181
- [General Medical Council](#) (GPs, hospital doctors and surgeons) Telephone: 0845 357 8001
- [Health and Care Professions Council](#) (arts therapists, biomedical scientists, chiropodists / podiatrists, clinical scientists, dietitians, hearing aid dispensers, occupational therapists, operating department practitioners, orthoptists, paramedics, physiotherapists, practitioner psychologists, prosthetists / orthotists, radiographers, social workers in England, and speech and language therapists) Telephone: 0800 328 4218
- [General Dental Council](#) (dental professionals) Telephone: 020 7167 6000
- [General Pharmaceutical Council](#) (pharmacists, pharmacy technicians and pharmacy premises) Telephone: 0203 713 8000
- [General Optical Council](#) (optometrists and dispensing opticians) Telephone: 020 7580 3898
- [General Osteopathic Council](#) (osteopaths) Telephone: 020 7357 6655
- [General Chiropractic Council](#) (chiropractors) Telephone: 020 7713 5155

[Action against Medical Accidents \(AVMA\)](#) provides advice for people who have referred their complaint to a regulatory organisation. It can be contacted at: Telephone: 0845 123 2352

### **If you want to complain about social workers**

The [Scottish Social Services Council looks at complaints about people working for social service organisations](#), including social workers.

### **If you want to complain about a social care service**

You should, first, complain to the organisation providing the service – this might be a healthcare organisation and/or a council. If you are unhappy with the outcome to your complaint, you can complain to the [Care Inspectorate](#).

You can take your complaint to the Scottish Public Services Ombudsman if you remain dissatisfied with how your complaint has been looked at. Information can be found about this here: <http://www.spsso.org.uk/how-to-complain-about-a-public-service>

### **If you want to complain about hospital based complex clinical care (formerly known as NHS continuing care)**

Hospital-based complex clinical care (formerly known as NHS continuing healthcare) means care that can only be provided in a hospital setting. Once the patient leaves an NHS setting into the community, local council charging policies will apply. If you wish to appeal about a care decision, you should first contact the named Individual Assessor before asking the Director of the relevant NHS Board to arrange an independent review of the case.

- [The Scottish Government website has information about the change](#)

- [Care Information Scotland](#) also provide advice on hospital-based complex clinical care
- [Advice on Care also offer guidance](#)

### **If you have a safeguarding concern**

If you think that a child or vulnerable adult might have been harmed, or might be at risk of harm, you should telephone your local council and ask to be put through to the social care department, or tell a health professional.

You can find the contact details of the appropriate council here: [www.gov.uk/find-your-local-council](http://www.gov.uk/find-your-local-council)

### **If you want to complain about health service commissioning**

If you have concerns with an NHS service and wish to complain to the organisation which commissioned the service, you can complain to the relevant Health Board.

The Scottish Government website provides contact details at:

<http://www.gov.scot/Topics/Health/NHS-Workforce/NHS-Boards>

## **If you want to complain about the care you paid for (non NHS)**

Not all care is provided by the NHS. Some treatment is privately paid for and is given by organisations which do not belong to the NHS. This is sometimes called private healthcare or independent sector healthcare.

If your complaint is about privately funded healthcare, you should complain to the healthcare provider. It would be helpful to check before you make the complaint whether you can complain under the NHS complaints procedure. This is because NHS-funded healthcare services provided in a private hospital can be complained about under the NHS complaints procedure. If you are not sure, ask the organisation who has given the care.

Once you have a response to your complaint and if you remain unhappy, you can complain to [Health Improvement Scotland](#).

If you are dissatisfied with how Health Improvement Scotland looked at your complaint, you can complain to the [Scottish Public Services Ombudsman](#).

If your complaint is about privately funded Dental or Optical Treatment, you can contact:

- [Dental Complaints Service](#)
- [Optical Consumer Complaints Service](#)



### **If you want to make a personal injury claim**

If you think you have suffered personal injury and wish to claim compensation, you should consult a solicitor.

- The Law Society gives details of solicitors who are members of its personal injury accreditation scheme at: [www.lawsociety.org.uk](http://www.lawsociety.org.uk)
- Citizens Advice [provides information on making personal injury claims](#)

### **If you think that a criminal offence has been committed**

If you think that a criminal offence has been committed during your healthcare, you should contact the Police. Details of your local police can be found at:

[www.police.uk/](http://www.police.uk/)

## **If you want to complain about care provided outside of Scotland in the UK**

[For details about how to complain about care in Northern Ireland, please click here:](#)

[For details about how to complain about care in England, please click here:](#)

[For details about how to complain about care in Wales, please click here:](#)

## **If you want to share your experience about healthcare regulators**

### **The Professional Standards Authority**

We promote the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and voluntary registration of people working in health and care. We are an independent organisation, accountable to the UK Parliament. We oversee the work of nine statutory organisations that regulate health professionals in the UK and social workers in England. We review the regulators' performance and audit and scrutinise their decisions about whether people on their registers are fit to practise. We can refer final fitness to practise panel decisions to court where we believe they are unduly lenient and do not protect the public.

You can help us check that the regulators are meeting the [Standards of Good Regulation](#) by sharing your experience about the [regulators](#) or [accredited registers](#).

When we review their performance, as we do each year, we take account of many sorts of information. This includes things the regulators tell us, things we observe or read and things you and others tell us.

We would like to hear about your experiences to help us see what they do well and where they might need to improve. We will use the information you give us to help us build an overall picture of their performance. We publish a report about each

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regulator's performance every year and we will send you a copy if you would like us to. We may not mention your information in the report, but you can be sure we take it into account.

You can [share your experience here](#)

\*If you want to make a complaint about a health or care professional or about the regulator, please contact the regulator direct as we do not have the power to investigate complaints.