

# Complaining about the NHS or social services

This factsheet explains how you can make a complaint about the NHS or social services and what support you can get. This information is for people affected by mental illness in England who are 18 or over and their carers, relatives and friends.

## Key Points.

- You can complain about an NHS service or social services if there's an issue you're unhappy about.
- You usually have to make your complaint within 12 months of the problem. Sometimes you can complain later than this.
- An advocacy service or PALS might be able to help you with your complaint.
- The NHS or social services will let you know when they get your complaint. They should do this within 3 working days.
- Once the service has investigated your complaint, they should give you a response.
- If you are unhappy with the response, you can take your complaint to an independent service, called the Ombudsman. They will look into things further.
- There are other options as well as complaining. The best option for you will depend on what you are trying to achieve as an outcome.

## This factsheet covers:

1. [How can I deal with the issue without complaining?](#)
2. [Should I complain and how do I do it?](#)
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### **1. How can I deal with the issue without complaining?**

You could try and sort the issue informally before you think about complaining. This is often the quickest and easiest way to sort a problem.

You could:

- talk to someone at the service to see if they can help, or
- get in touch with your local NHS Patient Advice and Liaison Service (PALS) if your complaint is about the NHS. They can sometimes sort issues without needing to go through the formal complaints' procedure. You can search for your local service by following the below website link: [www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-\(PALS\)/LocationSearch/363](http://www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-(PALS)/LocationSearch/363).

You can explain:

- what's happened,
- why you aren't happy, and
- what you'd like to happen next.

If you still can't get the issue sorted out, you can then think about making a formal complaint.

## 2. Should I complain and how do I do it?

### Is making a complaint the right option for me?

Making a complaint might be the right option for you if you want:

- an apology, or
- for the NHS or social services to change something, like your treatment or your waiting time for a social care assessment.

Complaining might be the right option for you if you have already tried to informally sort out the issue.

Usually, you can only claim compensation if you have been physically or mentally hurt because of the negligence of the NHS or social services. To claim compensation, you usually need to take legal action. See [Section 10](#) of this factsheet for more information.

### How do I complain?

You can make your complaint to a member of staff:<sup>1</sup>

- in person,
- by phone, or
- in writing by email or letter, for example.

You can complain to the service manager. But any member of staff should be able to take your complaint or pass you to the person who deals with them.

Some services might have an online form you can use on their website.

Make sure you clearly say you're making a complaint. If you don't use the word 'complaint' the service might not treat it as one and follow their complaints procedure.

You can explain:

- what's happened,
- why you aren't happy, and
- what you'd like to happen next.

Explain these things clearly, but in as few words as possible.

If you complain by phone or face-to-face the staff member you speak to should make a written record and give you a copy.<sup>2</sup> We suggest you make a note of:

- the first and last name of who you spoke to,
- what you talked about and what was agreed, and
- the date and time of the conversation.

If you complain in writing, [at the end of this factsheet there are sample wordings](#) you can use.

If you complain in writing, make sure that you keep a copy for your records. If you complain by letter, you can send it by recorded delivery so that you can prove that you sent it.

You can find more information about complaining about the NHS or social services on Healthwatch's website: [www.healthwatch.co.uk/help-making-complaint](http://www.healthwatch.co.uk/help-making-complaint). See [Section 8](#) of this factsheet for more information about who Healthwatch are and what they do.

### **Is there a time limit to complain?**

You usually must make your complaint to the NHS or social services within 12 months. The 12 months will begin:<sup>3</sup>

- from the date your problem started, or
- when you found out about the problem.

The sooner you make the complaint the easier it will be for the service to investigate it. But if you can't do this, you can sometimes complain after 12 months have passed.

The NHS or social services might accept a late complaint if:<sup>4</sup>

- it is still possible to investigate your complaint fairly, and
- you have good reasons for it being late.

The complaints manager will decide if they will accept a late complaint. Being very unwell could be a good reason for it being late.

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## **3. Who do I complain to about the NHS?**

You can complain to:

- the service you had problems with, or
- your local Clinical Commissioning Group (CCG) or NHS England.

Whether you complain to your local CCG or NHS England depends on the service you want to complain about. See below for more information.

You can't usually complain to both the service and the CCG or NHS England about the same issue.<sup>5</sup>

If the service you complain to don't deal with it in a reasonable time you can complain to the CCG or NHS England.

You can read more about complaining to the NHS here:

[www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs](http://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs)

## **What is your local Clinical Commissioning Group (CCG) and NHS England?**

Your local CCG and NHS England commission certain NHS services.

Your local CCG will commission services such as the following.<sup>6</sup>

- NHS mental health teams and most other community services
- NHS 111
- Hospitals and urgent care
- Rehabilitation services
- Learning disability and autism services

NHS England will commission services such as the following.<sup>7</sup>

- Your GP
- Your local NHS talking therapy service – sometimes known as IAPT services
- Your dentist
- Your optician
- Healthcare for prisoners
- Healthcare for armed forces
- NHS ‘tier 4’ specialist services

Their contact information is in the [Useful contacts](#) section of this factsheet.

### **Example 1**

Ben is unhappy with his GP. He can complain to the GP surgery or to NHS England.

### **Example 2**

Tracy is unhappy with her psychiatrist, who works for her local NHS mental health team. She can complain to the team or to the local Clinical Commissioning Group (CCG).

## **Can I complain about different NHS services at the same time?**

You might want to complain about different teams, such as your GP and the ambulance service. You only need to make one complaint.

The organisation that receives your complaint should contact the other services involved.<sup>8</sup>

## **How do I find details for my local Clinical Commissioning Group (CCG)?**

Click the below website link to find your local CCG service.

[www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1](http://www.nhs.uk/Service-Search/Clinical-Commissioning-Group/LocationSearch/1)

If you don't have the internet, you can ask the following people to find the information for you.

- A health professional
- Patient Advisory and Liaison Service (PALS)
- NHS 111

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#### **4. Who do I complain to about social care?**

Your social care might be arranged by social services, or NHS mental health services.

If the NHS arranges social services for you, you can complain to the NHS or your local authority.<sup>9</sup>

If your local authority arranges social services for you, you must complain to them.

#### **How do I find out who my local authority is?**

You can use the following link to find out who your local authority is:  
[www.gov.uk/find-local-council](http://www.gov.uk/find-local-council)

#### **How do I complain about private social care providers?**

You must complain to the provider if you arrange and fund your own social care through:

- your own money, or
- direct payments.

The provider should have their own complaints process which you will need to follow. You may be able to find this on their website.

You will be able to take your complaint to the ombudsman if it isn't resolved to your satisfaction.<sup>10</sup>

You can find more information about '**Social care - Direct payments**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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#### **5. Who can help me make my complaint?**

If you need help to make a complaint you can.

- Ask a friend or relative to help you complain
- Ask a friend or relative to make the complaint on your behalf – see [Section 12](#) of this factsheet for more information
- Contact an NHS complaints advocacy service
- Contact a community advocacy service
- Get in touch with the Patient Advice and Liaison Service (PALS)
- Contact your local Citizens Advice service

- Contact your Member of Parliament (MP)

### **What are NHS complaints advocacy services?**

NHS complaints advocacy services are free to use and independent from the NHS. They can help you to make a complaint against the NHS.

They can still help you if you want to complain about a private hospital that has been funded by the NHS.<sup>11</sup>

To find your local service you can:

- search on the internet using terms like ‘NHS complaints advocacy Leicestershire’, or
- contact your local Patient Advice and Liaison Service (PALS).

You might have to wait to get help from your local service. You can ask them about waiting times.

### **What is community advocacy?**

There may be community advocacy services that can help you to make a complaint about your local authority. They are free to use and they don’t work for the NHS or social services. But they won’t exist in all areas of England.

To find your local service you can search on the internet using terms like ‘community advocacy Leicestershire.’

You might have to wait to get help from your local service. You can ask them about waiting times.

You can find more information about ‘**Advocacy**’ at [www.rethink.org](http://www.rethink.org) Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **What is the Patient Advice and Liaison Service (PALS)?**

PALS is an NHS service. They can:

- help you to sort out your problems,
- explain the NHS complaints procedure to you, and
- tell you how to get help from an advocate.

You can search for your local service here:

[www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-\(PALS\)/LocationSearch/363](http://www.nhs.uk/Service-Search/Patient-advice-and-liaison-services-(PALS)/LocationSearch/363).

### **What is the Citizens Advice service?**

Citizens Advice is an independent organisation. They specialise in advice and information to assist people with a range of issues such as debt, welfare benefits and housing.

Your local Citizen’s Advice may be able to help you complain.

You can find your local office at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) or call them on 0800 144 8848.

### **How can my Member of Parliament (MP) help?**

You could ask your local MP for help with the issue you have complained about. Especially if you've followed the normal complaint routes and you're still unhappy.

You can find out who your local MP is by going to the website <https://members.parliament.uk/members/commons>

Or you can contact the Commons Enquiry service on 0800 112 4272 (freephone) or 020 7219 4272.

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## **6. How should the service deal with my complaint?**

The NHS or social services have 3 working days to let you know that they have received your complaint. They should do this by phone, face-to-face or in writing.<sup>12</sup>

The service should:<sup>13</sup>

- look into your complaint as quickly as possible. This is called an 'investigation,'
- keep you up to date during the investigation,
- let you know the result of your complaint in writing, and
- explain your right to take your complaint further to the ombudsman service.

The service should have a complaints policy that explains how they'll deal with your complaint. You can look on their website or ask a member of staff for a copy.

### **How will the service investigate my complaint?**

A complaints manager will deal with your complaint. If you have made a complaint about a certain person, that person shouldn't deal with your complaint.

There is no set process for how professionals should investigate your complaint.<sup>14</sup>

An NHS investigation might involve:<sup>15</sup>

- visiting the service,
- looking at records,
- interviewing staff members, or
- getting specialist advice.

Social services will have a similar procedure for investigating complaints.

## **How long will I have to wait for a response?**

There are no time limits. The law says that the service should investigate your complaint 'speedily and efficiently'.<sup>16</sup> The service might have its own targets which might be in their complaints policy.

If the investigation takes more than 6 months, the service must:<sup>17</sup>

- write to you and tell you why it is taking a long time, and
- let you know the result of your investigation as soon as possible.

The Local Government Ombudsman think it is reasonable for social services to respond to complaints within 12 weeks.<sup>18</sup>

## **What can I expect if I complain to the NHS?**

The NHS say you can:<sup>19</sup>

- expect to be treated fairly, politely and with respect,
- be reassured that your care and treatment won't be affected as a result of making a complaint,
- be offered the opportunity to discuss the complaint with a complaint's manager, and
- expect appropriate action to be taken following your complaint.

See the following link for more information: [www.england.nhs.uk/contact-us/complaint](http://www.england.nhs.uk/contact-us/complaint)

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## **7. What if I'm not happy with the response?**

You can take your complaint to an ombudsman service if you aren't happy with the outcome. You must do this in writing.<sup>20</sup>

Ombudsman services are independent of the NHS and social services.

The ombudsman service will investigate your complaint. They may make recommendations to the NHS or social services about what the outcome of your complaint should be.

## **Which ombudsman service will investigate my complaint about the NHS?**

If your complaint is about the NHS, you should contact the Parliamentary and Health Service Ombudsman (PHSO). They are free to use.

You can still complain to the Ombudsman if you have complained about a private hospital that's been funded by the NHS.<sup>21</sup>

You can find information about how to complain to the PHSO here: [www.ombudsman.org.uk/making-complaint](http://www.ombudsman.org.uk/making-complaint) or you can call them. Their contact details are:

### **Parliamentary & Health Service Ombudsman (PHSO)**

Makes final decisions about complaints that haven't been resolved by the NHS in England.

**Telephone:** 0345 015 4033.

**Website:** [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### **Which ombudsman service will investigate my complaint about the local authority?**

If your complaint is about social services, your complaint should go to the Local Government Ombudsman (LGO). They are free to use.

You can find information about how to complain to the PHSO here: [www.lgo.org.uk/make-a-complaint](http://www.lgo.org.uk/make-a-complaint) or you can call them. Their contact details are:

### **The Local Government Ombudsman (LGO)**

The final stage for complaints about social services and other local authority services.

**Telephone:** 0300 061 0614

**Email:** you can fill in a complaint form on the website

**Website:** [www.lgo.org.uk](http://www.lgo.org.uk)

### **Is there a time limit for sending my complaint to the ombudsman?**

You must complain to the ombudsman within 12 months of the problem you're complaining about. The ombudsman may investigate complaints after this time if they think it is reasonable to.<sup>22,23</sup>

You can't usually make a complaint to the ombudsman until the NHS or local authority has given you a final response to your complaint. But you might be able to go straight to the ombudsman if the service won't investigate your complaint without good reason. For more information see [Section 7](#) of this factsheet under 'How long will I have to wait for a response?'

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## **8. How can I complain about staff behaviour?**

You can:

- use the NHS and social services complaints procedures, or
- for serious complaints, report staff to a regulator.

If healthcare staff don't act appropriately, it may be professional misconduct. Examples of professional misconduct might be if a staff member:

- has put a patient at serious risk of harm due to bad practice,

- has a sexual or inappropriate relationship with someone who uses their service,
- has lied about something,
- breaks confidentiality without good reason, or
- deliberately puts false information on records.

If you're unhappy about a staff member's behaviour you can complain to a professional regulator.

Professional regulators try to make sure that health and social care professionals do their job properly and safely. There are different regulators for different health and social care professionals.

If the regulator thinks that the staff member has acted inappropriately, they can take action.

### **Who is the regulator for doctors?**

The General Medical Council (GMC) can deal with complaints about the serious misconduct of doctors.

#### **General Medical Council**

The professional regulator for doctors.

**Phone:** 0161 923 6602

**Email:** [gmc@gmc-uk.org](mailto:gmc@gmc-uk.org)

**Website:** [www.gmc-uk.org](http://www.gmc-uk.org)

### **Who is the regulator for nurses?**

The Nursing and Midwifery Council (NMC) can deal with complaints about the serious misconduct of nurses.

#### **Nursing and Midwifery Council**

The professional regulator for nurses and midwives.

**Phone:** 020 7637 7181

**Email:** [newreferrals@nmc-uk.org](mailto:newreferrals@nmc-uk.org)

**Website:** [www.nmc.org.uk](http://www.nmc.org.uk)

### **Who is the regulator social workers?**

Social Work England can deal with complaints about the serious misconduct of social workers in England.<sup>24</sup>

#### **Social Work England**

The professional regulator for social workers.

**Phone:** 0808 196 2274

**Address:** 1 North Bank, Blonk Street, Sheffield, S3 8JY

**Email:** [enquiries@socialworkengland.org.uk](mailto:enquiries@socialworkengland.org.uk)

**Website:** [www.socialworkengland.org.uk/](http://www.socialworkengland.org.uk/)

## **Who is the regulator for psychologists, occupational therapists, art therapists and paramedics?**

The Health and Care Professions Council (HCPC) can deal with complaints about the serious misconduct of certain professionals such as:<sup>25</sup>

- psychologists,
- occupational therapists,
- art therapists, and
- paramedics.

### **Health and Care Professions Council**

Regulates certain care professionals.

**Phone:** 020 7840 9814 or freephone 0800 328 4218

**Address:** Park House, 184-186 Kennington Park Road, London, SE11 4BU

**Email:** [ftp@hcpc-uk.org](mailto:ftp@hcpc-uk.org)

**Website:** [www.hcpc-uk.org](http://www.hcpc-uk.org)

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## **9. How can I complain about how the NHS used the Mental Health Act?**

The Care Quality Commission (CQC) regulate how the Mental Health Act is used. They can look at complaints from you if you are, or have been:<sup>26</sup>

- detained in hospital,
- under a community treatment order (CTO), or
- under guardianship.

You should complain to the hospital before you complain to the CQC.

You can complain to the CQC if you feel that the Mental Health Act wasn't used properly. For example, if:<sup>27</sup>

- professionals didn't follow the right procedure when they detained you in hospital,
- you weren't given information about your rights,
- you weren't offered leave when you should've been,
- you weren't involved with decisions about your care,
- you were restrained when you shouldn't have been,
- you were kept you away from other patients when you shouldn't have been, or
- the hospital didn't plan your discharge properly.

The CQC can't deal with complaints:<sup>28</sup>

- that happened over a year ago,
- that are already being investigated by the police or a solicitor, or

- about treatment you're given under the Act that you don't want.

You can read more here: [www.cqc.org.uk/contact-us/how-complain/complain-about-use-mental-health-act](http://www.cqc.org.uk/contact-us/how-complain/complain-about-use-mental-health-act)

### **Care Quality Commission**

Monitors, inspects and regulates health and social care services.

**Telephone:** 03000 616161  
**Email:** [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)  
**Website:** [www.cqc.org.uk](http://www.cqc.org.uk)

You can find out more information about:

- Mental Health Act
- Community treatment orders (CTO)
- Discharge from the Mental Health Act

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## **10. Can I take legal action?**

If you feel that the NHS and social services have treated you badly, you may decide to take legal action. Especially if:

- you want to claim compensation because of clinical negligence, or
- you want a judicial review because you think they haven't acted within the law.

It's best to get legal advice before you consider taking legal action.

A solicitor will help you to think about:

- your chances of winning the case,
- if you can deal with the problems without taking the service to court, and
- how much it will cost to take them to court.

You may have to pay for advice from a solicitor. But you may be able to get free advice from your local Law Centre or disability rights service.

### **What is clinical negligence?**

You can only normally claim compensation because of clinical negligence. This is when healthcare professionals physically or mentally hurt you because of the standard of health care they gave you.

To claim compensation, you will need to take legal action.

You can find more information about '**Clinical negligence**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **What is a judicial review?**

The NHS and social services must act within the law. If you feel they haven't, you can ask for a judicial review. Then a judge will look at the situation and decide if they acted legally.

The NHS or social services may be acting unlawfully if they have made a decision or done something:<sup>29</sup>

- without the legal power to do so,
- that was unreasonable
- without following the proper process,
- that was unfair, or
- in breach of the Human Rights Act.

For example, you could ask for judicial review if you think that social services have waited too long before helping you.

If the court finds that the NHS or social services have acted unlawfully, it may take action.

You need to act quickly if you want to ask for a judicial review. You should do it as soon as you can and no later than 3 months after the grounds to make the claim first arose.<sup>30</sup>

### Does it cost money to make a judicial review?

A judicial review can be very expensive. You may be able to get help with your court fees if you're on a low income or claim benefits.<sup>31</sup>

If you win your case, you may be able to claim back court costs. But if you lose your case you may have to pay the court costs of the NHS or social services.<sup>32</sup>

It's best to get legal advice before you consider asking for a judicial review.

You can find more information about '**Legal advice – How to get help from a solicitor**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## **11. Can I complain if I am a carer, friend or relative?**

You can help a loved one to complain if they want you to.

You could do the following things.

- Give them information about how the complaints process works.

- Explain to your loved one how the complaints process works.
- Help them to make their complaint.
- Find out who to send the complaint to.
- Help to monitor progress of the complaint.

### **Can I complain on my loved one's behalf?**

You can make a complaint on their behalf if:

- If they have asked you to make a complaint for them,<sup>33</sup> or
- They don't have the mental capacity to decide whether to make a complaint.

If your loved one wants you to complain for you it's best to get them to confirm it in writing.

You can find more information about '**Mental capacity and mental illness**' at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

### **Can I complain about something that has affected me?**

If a something affects you as a carer, you can make your own complaint. For example, you might live with the person you care for. If they don't get the right treatment, it may mean that you have to give them more support.

You could make a complaint if social services have refused to do a carer's assessment for you or there's an issue with it. You can find out more information about:

- Mental capacity and mental illness
- Carer's assessments - Under the Care Act 2014

at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries Team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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## **12. What do Healthwatch do?<sup>34</sup>**

Healthwatch gather feedback from the public about the NHS and social services to help improve what they do. So, if you report your issue to your local Healthwatch, it might help to improve services.

You can find your local Healthwatch by clicking on this link:  
[www.healthwatch.co.uk/your-local-healthwatch/list](http://www.healthwatch.co.uk/your-local-healthwatch/list)

## Useful Contacts

### NHS England

NHS England commission services such as your GP, and healthcare for prisoners. You can contact them if you want to make a complaint about these services. Or you can complain direct to the service itself.

**Phone:** 0300 311 22 33.

**Address:** NHS England, PO Box 16738, Redditch, B97 9PT

**Email:** [england.contactus@nhs.net](mailto:england.contactus@nhs.net)

**Website:** [www.england.nhs.uk](http://www.england.nhs.uk)

### Civil Legal Advice

You might be able to get free and confidential advice from Civil Legal Advice as part of legal aid if you live in England or Wales.

**Telephone:** 0345 345 4 345

**Minicom:** 0345 609 6677

**Text:** you can text 'legalaid' and your name to 80010 to ask CLA to call you back. It costs the same as a normal text message.

**Search for a legal adviser:** <http://find-legal-advice.justice.gov.uk/>

**Website:** [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice)

### Disability Law Service

They give free legal advice on community care, employment, housing and welfare benefits to people with disabilities and their carers.

**Phone:** 0207 791 9800

**Address:** Disability Law Service, The Foundry, 17 Oval Way, London, SE11 5RR

**E-mail:** [advice@dls.org.uk](mailto:advice@dls.org.uk)

**Website:** [www.dls.org.uk](http://www.dls.org.uk)

## Sample complaint letter for a simple NHS complaint NHS

Sample  
Letters

Private and Confidential

[Your name]  
[Your address]  
[Day] [Month] [Year]

Complaints Manager  
[Service you are complaining about]  
[Address]

Dear Madam/Sir,

### TIP

In the first paragraph, give a short overview of the problem

### Complaint – Lack of a care plan

I would like to complain that my care coordinator, *[their name]*, hasn't completed a care plan for me. I feel that I haven't had the services I am entitled to, and my health has deteriorated as a result.

### TIP

Don't give too much background unless it is directly relevant.

### My difficulty getting a care plan

I started getting help from your service in April 2021. *[Their name]*, became my care coordinator. Since then, I have asked about getting a care plan on the following occasions:

- April 2021 - When I first started with the team,
- May 2021 - On my second meeting with my care co-ordinator,
- June 2021 - Sep 2018 - On every further meeting with my care co-ordinator,
- Nov 2021 - I wrote to my care co-ordinator explaining that the lack of a care plan was having an effect on my health, and I didn't get a response (copy enclosed).

### The effect this has had on me

This situation has affected me in the following ways:

Make a list of any concerns here, for example:

- My recovery from my illness has been set back

### What I would like

As a result of this complaint, I would like:

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- A new care coordinator, because I feel that my relationship with my current one has broken down,
- A care plan,
- An explanation of why I did not have a care plan sooner, and
- An apology.

I look forward to receiving your acknowledgement of this letter in 3 days.

I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]

## Sample complaint letter for a complex NHS complaint

**Private and Confidential**

[Your name]  
[Your address]  
[Day] [Month] [Year]

Complaints Manager  
[Service you are complaining about]  
[Address]

Dear Madam/Sir,

### Complaint

I am concerned about the service I have received at [name of team] and I would like to complain about the following issues:

Make a list here of the issues that you would like them to be aware of. For example:

- Lack of a care plan
- Attitude of staff member
- Uncertain diagnosis

### Lack of a care plan

Explain this problem as briefly as possible. Using bullet points can help. For example.

I know that I have a right to see my care plan. I have asked [name of person] to give me a copy of my care plan on the following dates but I am still waiting:

- 1<sup>st</sup> June 2021 by phone
- 3<sup>rd</sup> July 2021 by phone
- 5<sup>th</sup> July 2021 by e-mail
- 10<sup>th</sup> July 2021 at my face-to-face meeting

At the moment I'm not getting the care that I need. I need a care plan in place so that the different professionals who see me are aware of the support that I need from them.

**TIP**

When you're complaining about several issues, you might find it helpful to write down all your concerns on a separate piece of paper first. This will help you to think about the structure of your complaint letter.

## Attitude of staff member

I feel as though my CPN *[name of staff member]* hasn't always treated me with respect. I refer to the following examples:

- 1st March 2021 - my CPN said [write here what the member of staff said](#).
- 13 March 2021 - my CPN said [write here what the member of staff said](#).

## Uncertain diagnosis

I have been under the care of my psychiatrist, Dr *[name of psychiatrist]*, for 2 years. I don't really understand what's going on.

They haven't explained why I don't have a firm diagnosis. They told me that I should carry on taking my medication anyway. I don't understand what I am taking my medication for, even though I asked about this. I need someone to explain the pros and cons to my medication.

I have tried to resolve this problem on several occasions:

- 1st January 2012 - I asked my psychiatrist what my diagnosis is, they didn't answer the question.
- 4th Feb 2021 - I asked for a second opinion, and my psychiatrist said that I don't need one.
- 6th March 2018 - I wrote down my concerns on a note and showed it to my psychiatrist , but I have not heard anything since.

## The effect on me

This situation has affected me in the following ways:

[Make a list of the effect that your situation has had on you. For example:](#)

- Staff who visit me don't seem to know what support I need because I don't have a care plan in place,
- I don't feel able to talk to certain members of staff because of how they treat me,
- I feel confused about what is happening to me and my medication.

This has all had a negative effect on my mental health. I know that support should speed up my recovery. But because of the lack of support and confusion I feel as though my recovery has been slow.

## What I would like

As a result of this complaint, I would like:

Make a list about what you would like the outcome of your complaint to be. Focus on the points that you have made earlier in your complaint. For example:

### **Lack of care plan**

I would like:

- a care plan to be in place in the next week
- to contribute to my care plan, and
- all staff to work from the care plan.

### **Treatment from staff members**

I would like:

- an apology, and
- an agreement to start fresh.

Failing this, I would like a different CPN as I need a good relationship to be able to recover.

### **Diagnosis**

I would like:

- a doctor to explain what they think my diagnosis is,
- what the treatment options for this condition is, and
- the pros and cons of the treatment options.

Failing this I would like a second opinion from a different doctor.

I look forward to receiving your acknowledgement of this letter in 3 days. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

Yours faithfully,

[Your name]

## Sample complaint letter for a social care complaint

### Sample Letters

#### Private and Confidential

[Your name]  
[Your address]  
[Day] [Month] [Year]

Complaints Manager  
[Adult Social Care Team]  
[Address]

Optional { [Copy to your Community Mental Health Team, if you have one]

Dear Madam/Sir,

#### Complaint – Failure to carry out a needs assessment

I would like to make a complaint. I haven't been offered a needs assessment within a reasonable time. My health has deteriorated due to the lack of social care support. I need an immediate needs assessment.

#### My request for an assessment

Give a short history of the contact you have made with the council. You could also enclose any copies of correspondence if you have any. For example:

I contacted *[name of council]* at 10:00am on 16<sup>th</sup> May 2021. I spoke to *[member of staff's name]*.

I was told that I would have a needs assessment shortly. I have been waiting for my assessment for over 2 months. I believe that this is unlawful.

You will be aware that I have the legal right for my social care needs to be assessed in a reasonable time.

#### Reasonable time

Needs assessments must be carried out in a 'reasonable time'. The Local Government Ombudsman has suggested that 4 to 6 weeks from a request would be a benchmark when deciding what would be reasonable. See here: [www.lgo.org.uk/make-a-complaint/fact-sheets/social-care/social-care-for-adults/councils-that-conduct-needs-assessments](http://www.lgo.org.uk/make-a-complaint/fact-sheets/social-care/social-care-for-adults/councils-that-conduct-needs-assessments)

#### TIP

If you get help from a 'Community Mental Health Team', send a copy of the letter to them too

## **The effect this has had on me**

This situation has affected me in the following ways:

Make a list of the effect that your situation has had on you. Bullet points may be helpful. Think about what you have found it hard to do, or haven't been able to do, because you haven't had social support.

## **What I would like**

Make a list of what you would like to achieve from making your complaint. For example:

As a result of this complaint, I would like:

- my needs to be assessed in the next 7 days,
- an explanation of why I was not assessed sooner, and
- an apology.

I look forward to receiving your acknowledgement of this letter in 3 days. I would like you to carry out a full investigation into my concerns and provide a response in accordance with your complaints procedure.

### **TIP**

If you feel that the situation is urgent, you can ask the council to respond in a certain time. However, they might not be able to do this.

Yours faithfully,

[Your name]

## References

<sup>1</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. 13(1)

<sup>2</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 13(2)

<sup>3</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 12 1(a and b).

<sup>4</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 12(2)

<sup>5</sup> NHS. *How to complain to the NHS*. [www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/](http://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/) (accessed 19<sup>th</sup> January 2022)

<sup>6</sup> NHS. *Clinical commissioning groups (CCGs)*. [www.england.nhs.uk/commissioning/who-commissions-nhs-services/ccgs](http://www.england.nhs.uk/commissioning/who-commissions-nhs-services/ccgs) (accessed 17 March 2022.)

<sup>7</sup> NHS. *Commissioned services*. [www.england.nhs.uk/commissioning/commissioned-services/](http://www.england.nhs.uk/commissioning/commissioned-services/) (accessed 17 March 2022.)

<sup>8</sup> NHS. *How to complain to the NHS*. [www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/](http://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/) (accessed 19<sup>th</sup> January 2022)

<sup>9</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 6(1)(a) & (b)

<sup>10</sup> Care Quality Commission. *complaints and concerns matter*. Page 11 [www.cqc.org.uk/sites/default/files/20141208\\_complaints\\_matter\\_report.pdf](http://www.cqc.org.uk/sites/default/files/20141208_complaints_matter_report.pdf) (accessed 19th January 2022)

<sup>11</sup> s185 Health & Social Care Act 2012

<sup>12</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 13(3) and (6)

<sup>13</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 14(1) and (2)

<sup>14</sup> Care Quality Commission. *Complaints and concerns matter*. [www.cqc.org.uk/sites/default/files/20141208\\_complaints\\_matter\\_report.pdf](http://www.cqc.org.uk/sites/default/files/20141208_complaints_matter_report.pdf) (accessed 29th July 2019). Page 39

<sup>15</sup> Department of Health (2009) Listening, Responding, Improving: A guide to better customer care. Page 25/26

<sup>16</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 14(1)(a)

<sup>17</sup> Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. Reg 14(4)

<sup>18</sup> Local Government Ombudsman. *Frequently asked questions. Do I have to go all the way through a council or care provider's complaints procedure first before I complain to the Ombudsman?* [www.lgo.org.uk/make-a-complaint/faqs](http://www.lgo.org.uk/make-a-complaint/faqs) (accessed 19<sup>th</sup> January 2022)

<sup>19</sup> NHS. *How do I feedback or make a complaint about an NHS service?* *What can I expect if I complain?* [www.england.nhs.uk/contact-us/complaint/](http://www.england.nhs.uk/contact-us/complaint/) (accessed 19<sup>th</sup> January 2022)

<sup>20</sup> s9(2) Health Service Commissioners Act 1993 c.46

<sup>21</sup> Parliamentary & Health Service Ombudsman. *Private healthcare* <https://www.ombudsman.org.uk/making-complaint/if-we-cant-help/private-healthcare>

<sup>22</sup> s9(4) Health Service Commissioners Act 1993 c.46) c.46

<sup>23</sup> Local Government and Social Care. *When should I complain to the Ombudsman on behalf of somebody?* [www.lgo.org.uk/for-advisors/complaints-advisers](http://www.lgo.org.uk/for-advisors/complaints-advisers) (accessed 19th January 2022)

<sup>24</sup> Health and Care Professions Council. *Social Work England*. [www.hcpc-uk.org/social-workers/social-work-england/](http://www.hcpc-uk.org/social-workers/social-work-england/) (accessed 19<sup>th</sup> January 2022).

<sup>25</sup> Health and Care Professional Council. *The professionals we regulate*. [www.hcpc-uk.org/about-us/who-we-regulate/the-professions/](http://www.hcpc-uk.org/about-us/who-we-regulate/the-professions/) (accessed 19<sup>th</sup> January 2022)

<sup>26</sup> Care Quality Commission. *Complaining about the use of the Mental Health Act?* [www.cqc.org.uk/sites/default/files/documents/complaining\\_about\\_use\\_of\\_mha\\_poster\\_0.pdf](http://www.cqc.org.uk/sites/default/files/documents/complaining_about_use_of_mha_poster_0.pdf) (accessed 25th January 2022)

<sup>27</sup> Care Quality Commission (Oct 2012) *Complaining about the use*

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*of the Mental Health Act policy*

[www.cqc.org.uk/sites/default/files/complaining\\_about\\_use\\_of\\_mha\\_policy-v1.02.pdf](http://www.cqc.org.uk/sites/default/files/complaining_about_use_of_mha_policy-v1.02.pdf) Page 3. (accessed 25th January 2022)

<sup>28</sup>Care Quality Commission. *Complaining about the use of the Mental Health Act?* [www.cqc.org.uk/sites/default/files/complaining\\_about\\_use\\_of\\_mha\\_policy-v1.02.pdf](http://www.cqc.org.uk/sites/default/files/complaining_about_use_of_mha_policy-v1.02.pdf)

Page 3. (accessed 25<sup>th</sup> January 2022)

<sup>29</sup> Equality and Human Rights Commission. *Judicial Review.*

[www.equalityhumanrights.com/en/advice-and-guidance/judicial-review](http://www.equalityhumanrights.com/en/advice-and-guidance/judicial-review) (accessed 30th July 2019)

<sup>30</sup> Ministry of Justice. *Pre-Action Protocol for Judicial Review.* See 'Introduction', para 1 [https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot\\_jrv](https://www.justice.gov.uk/courts/procedure-rules/civil/protocol/prot_jrv) (accessed 2 March, 2022)

<sup>31</sup> Gov.uk. *Administrative Court: bring a case to the court*

[www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court#pay-the-court-fee](http://www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court#pay-the-court-fee) (accessed 25<sup>th</sup> January 2022)

<sup>32</sup> GOV.UK *Administrative Court: Bring a case to the court – Claiming back legal costs* <https://www.gov.uk/guidance/administrative-court-bring-a-case-to-the-court#claiming-back-legal-costs> (accessed 25<sup>th</sup> January 2022)

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<sup>34</sup> Healthwatch. Our history and functions. <https://www.healthwatch.co.uk/our-history-and-functions> (accessed 19th January 2022)

This factsheet is available in large print.

### Rethink Mental Illness Advice Service

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**Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)**

**Email [feedback@rethink.org](mailto:feedback@rethink.org)**

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**Drop us a line at: [feedback@rethink.org](mailto:feedback@rethink.org)**

**or write to us at Rethink Mental Illness:**

RAIS  
PO Box 18252  
Solihull  
B91 9BA

**or call us on 0808 801 0525**

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)

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