

## **The Health Service Ombudsman**

If you are not satisfied with the way in which your complaint was investigated, you can complain to the Health Service Commissioner or 'Ombudsman'. The Ombudsman will usually expect you to have exhausted the NHS Complaints Procedure. The Ombudsman will not investigate your complaint if you have commenced legal action or have indicated your intention to do so.

The Ombudsman can step in at an earlier stage if the Ombudsman considers that it would be unreasonable for you to proceed with the NHS Complaints Procedure such as undue delays in considering your complaint or providing a response.

### **The Ombudsman can consider complaints in relation to the following:**

Poor service.

Failure to provide a service that you have a right to receive.

Administrative failures.

Complaints about care and treatment provided by NHS staff after March 3rd 1996.

Refusal to accept a request for Independent Review.

### **Time Limits**

You should submit your complaint within one year of the events complained of. This can sometimes be extended if, for instance, the investigation at the Local Resolution stage of your complaint took too long.

### **Will the Ombudsman automatically take on my case?**

You do not have an automatic right to an investigation by the Ombudsman and there is no appeal against the Ombudsman's decision except by Judicial Review through the courts. The Ombudsman reviews only a proportion of the cases the Ombudsman receives every year, but where the Ombudsman does decide to act the Ombudsman will carry out an exhaustive investigation including interviews with yourself and staff involved. This can take several months to complete. After completion of the investigation you will be sent a full report as will the NHS organisation involved.

In order to stand a good chance of being taken on, your complaint to the Ombudsman should make clear:

why earlier investigations/responses are unsatisfactory (include all relevant correspondence if possible),

the injustice you have experienced, and

the potential benefits of an investigation (could lessons be learned to prevent the same problems occurring)?

### **What can the Ombudsman do?**

If your complaint is found to be justified the Ombudsman will seek an apology or other remedy for you. This may include calling for changes to prevent such an incident happening again or reviewing procedures.

Where recommendations for change are made the Ombudsman can check back to see this has occurred. The Ombudsman also makes an annual report to Parliament which is made public and may name the organisation concerned, particularly if they have failed to comply with the Ombudsman's recommendations. Your confidentiality will be protected.

**Contact Details:**

**The Health Service Ombudsman**

**0845 015 4033 (England)**

**01656 641 150 (The Public Services Ombudsman for Wales)**

**0800 34 24 34 (N.Ireland Ombudsman)**

**0800 377 7330 (Scottish Public Services Ombudsman)**

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

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