

Making a Complaint – Wales

We hope the vast majority of families will be provided with the range of care and support that they need from local services. If, however, you feel that you have not received the standard of support or care that you are entitled to, you may wish to make a complaint.

Making a complaint about NHS services in Wales

There are three levels of complaint if you are not satisfied with your health provision:

1. Complaints procedure of the individual service
2. Health Services Ombudsman
3. Judicial Review

1. Complaints procedure of the individual service

You are encouraged to complain as early as possible when an issue arises or you have a concern. You have one year from the date of the event occurring or you being made aware of the concern to lodge your complaint.

You can request a copy of the NHS complaints procedure or from your Local Health Board: www.wales.nhs.uk/ourservices/directory/localhealthboards.

For more information about the NHS Wales complaints procedure visit www.wales.nhs.uk.

For help lodging a complaint about the NHS Wales you can contact The Community Health Council at 0845 644 7814 or 02920 235 558 or at www.wales.nhs.uk/sitesplus/899/home.

You can also receive assistance with your complaint through the Citizens Advice Bureau (CAB): www.citizensadvice.org.uk.

If you wish to complain about a private health service that you have paid for you must request and follow their complaints procedure. If the private service is being paid for by the NHS you should use the NHS complaints procedure.

2. Taking your complaint to the Health Services Ombudsman in Wales

If, having gone through the entire complaints procedure, you are unhappy with the results you can escalate

your concerns to the Public Services Ombudsman. To complain to the Ombudsman you must complete a form that can be found at www.ombudsman-wales.org.uk.

3. Judicial Review of Decisions

Additionally you have the option of seeking a Judicial Review. Judicial Review (JR) is held in the high court and can be used to evaluate the processes that led to the decision and whether these were lawful. If you file for JR following a decision by the NHS, the review will be on their decision, however; if you file for JR after an Ombudsman decision, the JR will review the Ombudsman decision and not the original decision of the NHS.

To file for a JR it is advisable that you have exhausted the complaints and Ombudsman procedures first, however; it is possible to file for urgent Judicial Reviews in some circumstances.

It is important to note that you must file for JR as soon as practicable or a maximum of three months you are made aware of the decision or should have been aware.

For full information on Judicial Review please see www.justice.gov.uk/courts/rcj-rolls-building/administrative-court/applying-for-judicial-review.

Judicial Review can be quite a complicated and expensive process and it is recommended that you seek legal advice regarding any judicial review proceeding. It is also very important to note that the courts can make a costs award against the claimant, meaning you may be ordered to pay for the legal cost of the opposing party, which could be thousands of pounds. For this reason,

you are encouraged to seek legal advice and, if possible, apply for Legal Aid. You can check your eligibility for legal aid and get information about how to apply at www.gov.uk/check-legal-aid. You may be able to access legal advice through a local law centre www.lawcentres.org.uk.

Making a complaint about a local authority

If you are complaining about the actions or decision of a local authority it is important to request the complaints procedure for your local authority directly. Each local authority has its own policy, but there are a number of common elements, which are explained in this document.

Local Authority Complaints Procedure – Possible three stages of complaint procedure

Stage one: Local Resolution

A complaint is raised with the manager of the team or unit providing the service that you wish to complain about. The manager should respond to the complaint within 10 working days. The timescale may be extended by an additional 10 days in extenuating circumstances.

Stage two: Formal Investigation

If you are not satisfied with the response at Stage one, you may request a Stage two investigation. The request must be received within 20 days of receiving the Stage one outcome.

At Stage two, complaints are investigated by an external investigating officer and by an independent person (if the complaint relates to a child). The investigating officer and independent person will interview you and the staff members involved. The investigation will be concluded within 25

working days, or 65 working days if an extension is agreed with the complainant.

The investigating officer's report may uphold, partially uphold or not uphold your complaint, and may include recommendations. The role of the independent person is to oversee the investigation of your complaint and produce a separate report. Both reports go forward to the Director of Children's Social Care, who will adjudicate at Stage two and will write to you indicating whether or not the investigating officer's findings are accepted by the Director and any action which will be taken.

The Government have issued clear guidelines about who is able to access this stage of the procedure. If you wish to consider this option please contact the Customer Relations Team in the local authority, who will be able to advise you on the best way forward.

Stage three: Review Panel

If you are not satisfied with the outcome at Stage two you can request **a review by a panel**. To do this you must write to the Customer Relations Team within 20 working days of receiving your letter informing you of the outcome of the Stage two investigation. The panel must be held within 30 working days of receiving your request to hold a review.

The panel comprising three independent people will meet to consider the complaint and how it was dealt with. You will be invited to attend the panel and you can bring a friend or advocate with you if you wish. The panel must send their report to the Director of Services for Children and Young People within five working days of the date of the panel, and you will receive a copy of

this report at the same time. The Director will consider the panel's report and recommendations and will write to you with their findings within 15 working days of receiving the review panel's report.

If you require assistance with making your complaint you can speak with someone at the Citizens Advice Bureau (CAB). To find your local CAB check www.citizensadvice.org.uk. Additionally, you can ask your local authority if there is an advocacy support program available in your area.

Local Government Ombudsman

You have the right to approach the Local Government Ombudsman at any time if you are dissatisfied with the investigation of your complaint. However, the Ombudsman would not normally get involved until the local authority has concluded its investigation and produced a response.

If you contact the Ombudsman after the third stage of the complaint procedure (the review panel), you must do so within one year of the decision being made. To complain to the Ombudsman you need to complete a form that can be found at www.lgo.org.uk/forms/ShowForm.asp?fm_fid=62.

If you require assistance through this process you can speak with the Local Government Ombudsman directly at 0300 061 0614.

Making a complaint about education provision in England or Wales

If you have issues with your child's education provision and live in England or Wales, you can seek advice from IPSEA.

IPSEA can be contacted on 0800 018 4016. Their website is www.ipsea.org.uk.

Legal Clinics

One way to find a legal clinic is to check the LawWorks website www.lawworks.org.uk/clinics. LawWorks is the pro bono charity for solicitors.

Some clinics offer set appointment times while others operate on a drop-in basis, a small number of clinics also offer advice over the phone. Contact the clinic you intend to visit or view their website to find out how they operate. Some clinics offer a general advice service and will provide brief advice on a wide range of issues. Other clinics offer specialist advice in particular areas of law, such as housing or employment, for example.

Some clinics can help you to complete simple forms, draft a letter or make a telephone call on your behalf. Very occasionally and only after receiving your express permission, a clinic may agree to undertake a limited amount of additional work on your behalf.

It is important to remember that sometimes legal advisers may have 30 minutes or less to hear your story and provide advice. Being clear about your query will help you to get the most out of your session.

You should take any critical documents pertaining to your query with you to an appointment. This might include letters, assessments, contracts or court documents. Remember that advisers have limited time to spend with you so limiting documents to only the most necessary is the best way to get the most from your appointment.

We are grateful to LawWorks, the pro bono charity for solicitors for their help in preparing this fact sheet.



Together for Families Helpline
7am-Midnight, 7 days a week

0808 8088 100

info@togetherforshortlives.org.uk

www.togetherforshortlives.org.uk

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