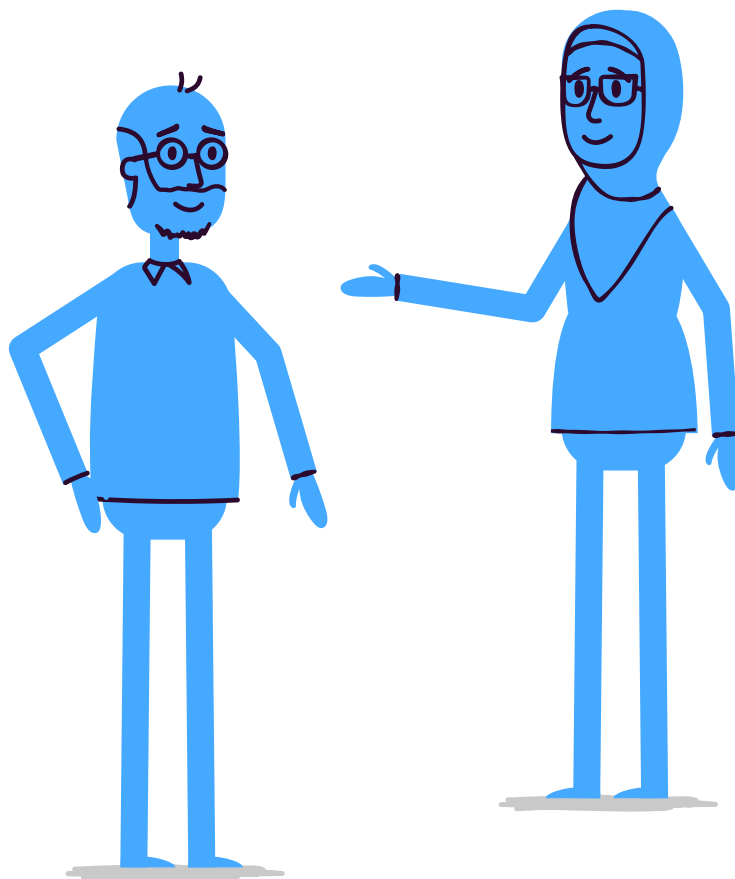
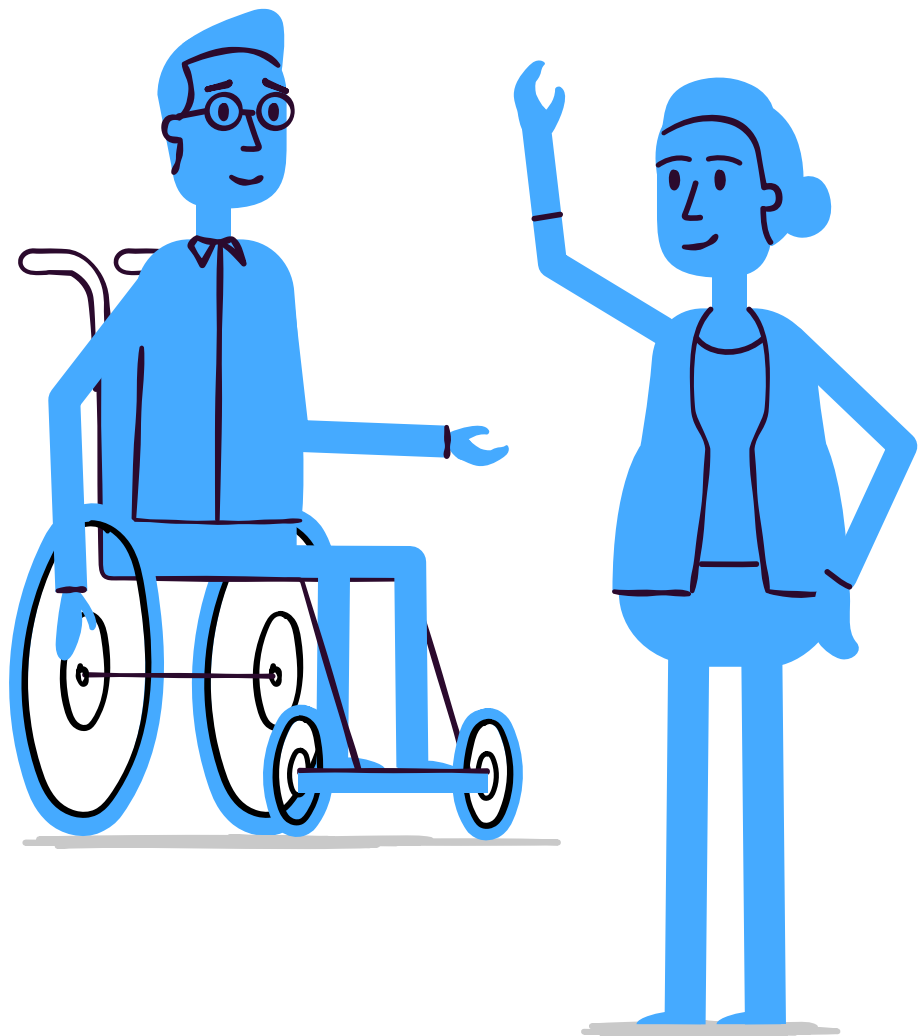


# Referring people to the Ombudsman



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# Welcome to this guide

This guide is one of the Good Complaint Handling series. These are designed to help you implement and deliver the expectations in the [NHS Complaint Standards](#).

The guide explains what the Parliamentary and Health Service Ombudsman is. It explains how its processes fit in with the complaints procedures of individual organisations.

If the person making a complaint, or someone representing them, is not satisfied by the end of your organisation's complaints procedure, they can take their complaint to the Ombudsman. You need to tell them about this option and provide contact details, in your final response letter. This guide explains how to do that.

Read this module alongside the [Model Complaint Handling Procedure](#). You can find guides on related topics on our [website](#).

# What standards and regulations are relevant to this guide?

**The Complaints Standards** set out expectations to help you deliver good complaint handling in your organisation.

The [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) set out what the law says you must do.

## What the Complaint Standards say

### Promoting a learning culture

- Senior staff make sure staff are supported and trained in all aspects of dealing with complaints, from identifying a complaint to issuing a response, so that they meet the expectations set out in the Complaint Standards. This should include how to manage challenging conversations and behaviour.

### Giving fair and accountable responses

- Staff make sure they tell people about their right to complain to the Ombudsman if they are not satisfied with the written final response at the end of the organisation's complaint process.

## What the law says

[Regulation 14 \(2\) \(d\) of The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) states that:

‘As soon as reasonably practical after completing the investigation, the responsible body must send the complainant in writing a response, signed by the responsible person, which includes... details of the complainant's right to take their complaint to the Health Service [Ombudsman].’

# What to do

The Parliamentary and Health Service Ombudsman makes final decisions on complaints that have not been resolved by the NHS in England and UK Government departments and other public organisations. They do this fairly, without taking sides, and free of charge.

Before someone comes to the Ombudsman, they need to complain to your organisation and give you a chance to respond to their concerns.



**Tip:** Every year, lots of people complain to the Ombudsman too early before they have received the final written response from the organisation they are complaining about. You can help people understand when to approach the Ombudsman by directing them to the Ombudsman's website or helpline.

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You can help people understand when to approach the Ombudsman by giving them information about this.

## Telling people about the Ombudsman's service

If someone is unhappy with how your organisation has answered their complaint, they have a right to ask the Ombudsman to look into it for them. You need to make sure they are aware of this.



Explain the Ombudsman's role in any information you provide about your complaints process. This includes on your website and in any leaflets or letters that explain how your organisation deals with complaints.



Make sure your final written response to every complaint explains that if the person wants to take the matter further, they can approach the Ombudsman.



Explain that the Ombudsman's service is free to everyone.



Provide details of the Ombudsman's website ([www.ombudsman.org.uk](http://www.ombudsman.org.uk)) and helpline (0345 015 4033).



Remind people where else they can find advice and support to make their complaint, if they need it.



### Find out more

To find out about other sources of help, support and advice, go to [Independent NHS complaints advocacy, and other specialist advice](#).

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## Timescales for complaints



If someone wants to complain to the Ombudsman, advise them to do this within the timescales – that is:

- as soon as possible
- within 12 months of becoming aware they have something to complain about.

The Ombudsman can sometimes make exceptions where there is a good reason for a delay, but this is not guaranteed.

You can use, or adapt, the sample paragraph below in your communications.

### Sample paragraph explaining the Ombudsman's role

If you're unhappy with how we have dealt with your complaint and you would like to take the matter further, you can contact the Parliamentary and Health Service Ombudsman.

The Ombudsman makes final decisions on complaints that have not been resolved by the NHS in England, government departments and some other public organisations. The service is free of charge for everyone.

There is a time limit for making your complaint to the Ombudsman, so make sure you do this as soon as possible so you do not miss your chance for a final, independent decision on your complaint.

To take a complaint to the Ombudsman, or to find out more about the service, go to [www.ombudsman.org.uk](http://www.ombudsman.org.uk) or call 0345 015 4033.



**Tip:** As well as including information about the Ombudsman in the letter, include a link to the Ombudsman's leaflet [How we can help you](#) or include a printout in your final letter.

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## How to complain

There are several ways to log a complaint:

- **Online** by completing the online form on the Ombudsman's website
- **On paper** by downloading and printing a form from the website at <https://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms> or by writing a letter to [insert address]
- **By email** at [add email address]
- **By phone** on 0345 015 4033.

## What happens next?

Once the Ombudsman receives a complaint, if our casework staff believe your organisation can do more to resolve the complaint, we may contact you to discuss this.

If the complaint is not about NHS-funded care in England, then you may need to signpost the person to another Ombudsman or a regulator.



### Find out more

If you are not sure which ombudsman or regulator to signpost the person to:

- See the listing on the Ombudsman Association's website.
  - Use the Ombudsman's complaint checker at [www.ombudsman.org.uk](http://www.ombudsman.org.uk)
  - Ring their helpline on **0345 015 4033** for advice.
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## If a complaint is about the use of the Mental Health Act

The CQC's powers under the Mental Health Act allow them to consider and investigate complaints in relation to care provided to those detained under the Act. They can look into complaints from, or about, people who have been detained in hospital, or subject to a Community Treatment Order or Guardianship.

However, the CQC's powers are discretionary and limited. They do not extend to reviewing any clinical decisions, including decisions taken around clinical judgment/opinion such as the decision to detain, diagnosis, prescribing of medication (when considered lawful to do so) and decisions to discharge from hospital/detention.

### [Complaining about the use of the Mental Health Act](#)



#### Find out more

Find a factsheet for NHS organisations about the LGSCO/PHSO joint working team at <https://www.lgo.org.uk/make-a-complaint/fact-sheets/social-care/factsheet-for-nhs-organisations-about-the-joint-working-team>





If you would like this document in a different format, such as Daisy or large print, please contact us.

**Let's make  
complaints  
count!**

