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# NHS Health Complaints Advocacy

## **Fast Fact 3 - The Parliamentary and Health Service Ombudsman**

### What is the Parliamentary and Health Service Ombudsman?

The Parliamentary and Health Service Ombudsman (PHSO) is the official body charged with representing the interests of the public by investigating and addressing complaints about the NHS, UK government departments or other UK public organisations. They make final decisions on complaints that have not been resolved by the NHS in England and UK government departments and other public organisations. The Ombudsman is independent of the NHS.

### When can the Ombudsman get involved in my complaint?

If you're satisfied with the outcome of your complaint at the local level, the complaint process has come to an end. However, if you are not satisfied with the way your complaint has been handled once the Local Resolution process is complete, you have the right to take your complaint to the Ombudsman. The Ombudsman won't consider your complaint until the organisation you're complaining about has confirmed that they've provided their final response on the matter.

A complaint should be sent to the Ombudsman within 12 months of the incident happening or within 12 months of you realising you have something to complain about. The Ombudsman may extend this time limit in some circumstances. The Ombudsman will look at every complaint but isn't required to investigate them all.

FAST  
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## How do I approach the Ombudsman?

There is a form you'd need to complete to apply to the Ombudsman, which can be found at <https://www.ombudsman.org.uk/making-complaint/complain-us-getting-started/complaint-forms>. We can support you with completing this form, if you don't feel confident with doing this yourself. You may also need to send the Ombudsman some additional information, such as copies of letters between you and the organisation you're complaining about.

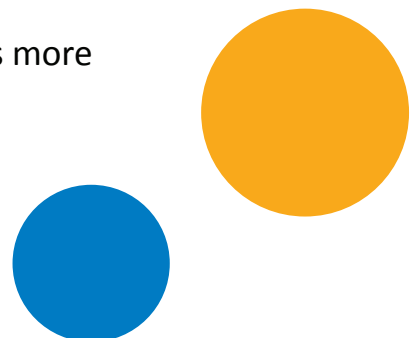
Once they receive this form, the Ombudsman may contact you to discuss your complaint.

## What can I expect from the Ombudsman?

The Ombudsman will decide whether or not to investigate your complaint.

They will base this decision on:

- Whether they feel you're the right person to be making the complaint. If you are making a complaint for somebody else, they will discuss this with you to make sure they have given you permission to do this.
- Whether you could get an answer to your complaint by taking legal action, like going to court or a tribunal about the problem. The law says the Ombudsman cannot investigate a complaint if you have (or had) the option to do this. However, the law also says they can be flexible, and so they will look at what the right option should be to get an answer to your complaint.
- Whether another organisation is better placed to deal with your complaint.
- What led you to complain. There are three questions they look at here. To investigate your complaint, they have to be able to answer 'yes' to each of them.
  - 1) Does it look to the Ombudsman like the organisation you're complaining about may have made mistakes or given a poor service?
  - 2) Does it look to the Ombudsman like the mistakes or poor service have caused suffering or affected you or somebody else in some other way?
  - 3) Does it look to the Ombudsman like potentially there is more that needs to be done to address the issues?



If they investigate your complaint, they will write to you with a report on the outcome of their investigation. If they decide that the organisation got things wrong that have had a negative effect on you, they can recommend what it should do about this.

The Ombudsman aim to contact you within five working days of receiving your complaint having made an initial check to make sure they can deal with it. They look into the organisation and issue being complained about and check the local resolution stage is complete.

They will then look more closely at the complaint and decide whether they should investigate. They aim to let you know this within 20 working days.

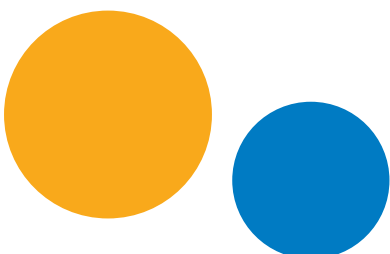
If the Ombudsman decides to investigate they will tell you how long they think their investigation will take. If they decide not to investigate they will explain why.

They aim to complete most of their investigations within three to six months but some take longer than this. They aim to complete 98% within a year.

The Ombudsman's decision is final and there is no automatic right to have a review, but they will consider whether to review their decision if they have got something wrong. For the Ombudsman to review their decision, you will need to show them that:

- they made their decision based on inaccurate facts that could change their decision, or
- you have new and relevant information that was not previously available and which might change their decision, or
- they overlooked or misunderstood parts of your complaint or did not take account of relevant information, which could change their decision.

The Ombudsman only keep information about your complaint for 12 months after they gave you a decision and so after this time they may not be able to consider any further information or review their decision.



## What can the Ombudsman recommend?

The Ombudsman can ask an organisation to take action to put things right for you (or somebody else affected). This could mean getting the organisation to acknowledge its mistakes, apologise to you, or pay you back if you have been left out of pocket because of what happened.

They can ask an organisation to look again at a decision it has made, but only if it is clear that it made mistakes, acted unfairly, or didn't follow its process when making it.

They can ask an organisation to improve its services to avoid the same things happening again. This can include asking an organisation to review its policies, procedures, guidance or standards.

## What can't the Ombudsman recommend?

The Ombudsman can't make an organisation:

- fire or 'strike off' someone;
- pay compensation, in the way that courts and tribunals can;
- cancel or change a decision it is entitled to make as part of its responsibilities or replace its decision with their own, or
- change its policies, procedures, guidance or standards, or replace these with their own.

**The Independent Health Complaints Advocacy Service is provided by SILC  
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