



**BIRTH
TRAUMA
ASSOCIATION**



How do I make a
complaint about
my maternity care?

Why might I consider a complaint?

- If you experienced poor care when you gave birth, you may want to make a complaint to the hospital
- You may also want to make a complaint if you feel that the hospital hasn't been honest with you

In the UK, you are protected by the duty of candour, which means that everyone working in the NHS has a legal duty to be open and honest with you when something goes wrong that appears to have caused, or could lead to, significant harm in the future



What kind of complaint?

There are two kinds of complaint:

- **Informal.** This involves talking to the staff who cared for you to resolve the complaint.
- **Formal.** This involves sending a letter or email to the hospital



Making an informal complaint

Sometimes you can resolve a complaint just by talking to staff. To go down this informal route:

- If you're in England or Wales, contact the hospital's Patient Advice and Liaison Service (PALS), and they will help you. You'll find the email addresses of PALS and the hospital complaints manager on the hospital website
- Scotland has a similar service called PASS, Patient Advice and Support Service, run by local citizen advice bureaux
- In Northern Ireland, the Patient Client Council performs a similar service



Making a formal complaint

In other cases you may want to make a formal complaint:

- The hospital will usually have a copy of its complaints procedure on its website
- You can send your complaint to the hospital complaints team – or, if you prefer, to the hospital chief executive
- You can complain by sending a letter or email, by phone, in person, or using an online complaints form. A written complaint is best so that you have a record
- You will find the addresses and phone number on the hospital website



Time limits on complaint

There are time limits on when you can make a complaint:

- In England and Wales, it is one year either from the event you are complaining about, or the point when you realised there was a problem with your care
- In Scotland and Northern Ireland, it is six months either from the event you are complaining about, or the point when you realised there was a problem with your care
- Some hospitals will consider complaints after the time limit



What to include in the email

- Who you are complaining about – for example, a particular midwife or obstetrician, or perhaps more than one person
- The date you gave birth
- The events that you are complaining about – for example, a doctor making a bad decision or a midwife not listening when you said that there was a problem. Be clear about the timeline of events
- What you would like the outcome to be, such as an apology from the hospital, or an independent clinical review
- Whether you would like to see a copy of any investigation that has been carried out



Help with writing

- If you find it difficult to write a letter, some medical negligence lawyers will help you write a complaint letter for free
- You could ask the charity Action against Medical Accidents, or AvMA, for help: www.avma.org.uk
- AvMa also has a template complaints letter you can use at: www.avma.org.uk/guides



What happens next?

- Legally, the hospital must acknowledge your complaint within three working days. The acknowledgement should explain how the complaint is going to be investigated and how long it will take. It should offer you a chance to discuss your complaint
- There is no time limit on how long they take to investigate your complaint and respond to it, however
- The hospital might ask to have a meeting with you



If the hospital offers you a meeting

- You don't have to attend if you don't want to, but a meeting can be helpful
- Go in well-prepared with notes and a list of questions
- Think beforehand about what you'd like the outcome to be
- Take a friend or supporter
- You are entitled to request a translator if you need one
- Don't agree to anything you're not happy with
- You can ask for time to think things over



Keep a record

- Keep a record of all telephone calls including dates and contacts
- Keep copies of all correspondence sent and received
- Keep copies of meetings attended and reports on the content and outcome

When you receive the hospital response

Ask yourself:

- Does the response explain things in a way that you understand? If the reply contains too much medical jargon you can ask for this to be put into accessible language
- Does it tell you how the investigation was carried out? For example, did they interview the staff involved in the incident?
- Are there any other matters you are still concerned about?

What do I do if I'm still unhappy?

You can write back to the hospital for clarification or to express your concerns if you're not happy with their response. You can also ask them to consider obtaining an independent report from a medical expert – but they don't have to agree with this.

You can ask a medical negligence solicitor for help with writing a response. Some will help for free.

If they send another response and you are still not happy you can ask an independent body to review your complaint:

- In England, the Parliamentary and Health Service Ombudsman
- In Scotland, the Scottish Public Services Ombudsman
- In Northern Ireland, the Northern Ireland Public Services Ombudsman



Taking the complaint further

If you're unhappy with the hospital response to your complaint and want to take it to the ombudsman, you can find the addresses at these websites:

Parliamentary and Health Service Ombudsman (for England and Wales):
<https://www.ombudsman.org.uk/>

Scottish Public Services Ombudsman:
<https://www.spsso.org.uk/>

Northern Ireland Public Services Ombudsman:
<https://nipso.org.uk/>