

How do I complain about Medical Negligence?

Most medical negligence claims involve the NHS. According to the latest figures, the NHS spends over £2 billion a year settling medical negligence claims, around [2% of the total budget](#) of NHS England.

(Dispatches programme:- over 10000 new claims every year, NHS Trusts contribute to a fund run by NHS resolution estimates up until March 2021 83 billion – more than half the cost of NHS budget this year.)

To claim for medical negligence, you must follow a set of procedures. But first, in some instances, you should make an official complaint to the hospital or GP Practice.

Doing this first is helpful because the written exchange with the NHS will provide documentary evidence necessary to support your claim.

Making a complaint

Under the [NHS Constitution for England](#), you have the right to complain about any aspect of NHS care, treatment, or services.

The advice from the NHS is that you should make any official complaint within 12 months of an incident occurring and it is usually best to do so in writing.

Making a complaint to your GP, Dentist or Pharmacist

You should always make a complaint directly to the person or organisation that has provided your care in the first instance.

This usually involves arranging to speak to the person who has provided you treatment to ensure there has not been a misunderstanding or further treatment may be required.

If this discussion does not address your concerns adequately, you can write a letter to the Practice Manager of the organisation and set out any questions or concerns you may have. You may also wish to request your medical records or request a second opinion within your complaint letter.

The practice should then acknowledge your response and advise you how long it should take for them to provide with you a response.

Making a complaint regarding Hospital Treatment

Most NHS hospitals will have a [Patient Advice and Liaison Service \(PALS\)](#), and here you can get confidential advice, support, and information, and this service may be able to help you resolve any issues you have informally.

This is very much a first step, and normally you would take it yourself, rather than using a solicitor or other form of legal support.

You should submit your complaint to NHS PALS and this is a separate process from any later legal claim you may make for compensation.

Nevertheless, this is an important stage in the overall process, because it will provide you with a written record of your complaint and what the NHS has told you in response to it.

If, however, you're not satisfied with the response you get from the NHS, you can also take your complaint to the [Parliamentary and Health Service Ombudsman](#). Again, this can offer a route to resolution, but it isn't the same as making a legal medical negligence claim.

You must have made your initial complaint directly to the NHS before contacting the Parliamentary and Health Service Ombudsman.

Making a Medical Negligence Claim Against the NHS

If you want to make a clinical negligence claim you should use a [medical negligence solicitor](#).

You will need to prove that the NHS is responsible for your injury and that this was due to a breach in their duty of care towards you.

There can be various ways in which you experience medical negligence such as the result of a misdiagnosis, or delayed diagnosis or for something that happens during a surgical procedure.

Proving medical negligence can be challenging and frequently relies on detailed legal arguments.

But it's also worth noting that the NHS prefers to settle negligence claims out of court wherever possible. NHS Resolution handles claims and it says that 98% are settled this way, either through reaching a settlement or the claimant withdrawing their claim.

For more details about how to complain about medical negligence, or making a claim, please [contact us](#).

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