



Which? has found that, when it comes to complaining about healthcare, private patients don't have the same options and support as NHS patients

Health complaints

45% of those who formally complained were dissatisfied with the outcome

40% didn't think things would improve as a result of their complaint

38% were dissatisfied with the level of support received in making a complaint

When you use a private health service and something goes wrong, you would expect a smooth process for handling your complaint. But when we asked patients to tell us their experiences of using private services, we found that almost half of those who had complained believed they had got a raw deal.

Although only one in 20 private patients actually felt they had cause for complaint, those that did complain felt high levels of dissatisfaction with the process and outcome. Only 22% thought that things would improve as a result.

The main reasons for complaint were questionable or wrong diagnosis, and the quality of treatment and service.

Lack of support

Should you ever need to make a complaint about an NHS service, you have access to specialist independent advice and support. But private health patients don't routinely have this, even with higher-risk health services such as surgery.

We found that 38% of you were dissatisfied with the level of support you received. Getting help when you need to make a complaint is vital, as the complaints system can be complex.

London-based Reshma Thakhar signed up for potentially risky laser treatment, not realising until she did some research that she hadn't been adequately assessed – she wasn't given a patch test and the potential risks weren't explained before she signed up. But when she cancelled the treatment and tried to get her money back, the clinic refused a refund. She told us: 'I've found the complaints system very confusing.'

No independent review

Private services aren't currently regulated in Scotland (see right). In the rest of the UK, regulators of hospitals and clinics, and of higher-risk treatments such as laser hair removal, can enforce regulations and collate information about complaints to monitor the quality of provision. However, they don't take on individual complaints (although 78% of you believed they do). If you have a problem with your treatment and your complaint is rejected by your healthcare company, you could be on your own.

Unlike NHS patients, private patients don't have access to independent review by the ombudsman or equivalent. Voluntary complaints investigation schemes for private healthcare do exist;

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for example, private hospitals can join the UK-wide Independent Healthcare Advisory Services (IHAS). But not all organisations pay to join a scheme.

Peter Walsh, chief executive of charity Action Against Medical Accidents (AvMA), says: 'Although there is some regulation and providers are expected to operate a complaints procedure of some sort, there's no consistency of complaints-handling between providers.'

SCOTLAND

Lack of regulation leaves consumers at risk

Private healthcare services aren't yet regulated in Scotland, leaving consumers potentially exposed to risky treatments without access to complaints procedures. In August, we responded to a consultation on proposed regulation by a new body called Healthcare Improvement Scotland (HIS), and urged that HIS be given powers to investigate individual complaints. Regulation is expected to start in 2010.

OUR RESEARCH

In August 2009, we surveyed 3,169 Which? online panel members who'd had private health and cosmetic treatments in the last year. We also interviewed 15 members who'd complained about private treatment.

Loopholes in the system

Some higher-risk services, such as MRI scanning, fall outside of current regulation if they're provided by non-medics in community settings. Theoretically, anyone could set up such a service, leaving patients vulnerable if they can't resolve complaints with the provider. Regulators are looking at this loophole.

You may even find that your complaint isn't with the organisation at all – as it would be with an NHS service. If the practitioner is from overseas, as in Lynda Ryde's case (see below), you could find yourself fighting your case in another country.

Cosmetic confusion

If you're using cosmetic services, such as a beauty salon, the system for complaints can get even more confusing. The local council or authority is responsible for the health, safety, licensing and inspection of some services, but what's included differs between areas.

88% of you thought that cosmetic treatments would be compulsorily registered and inspected, but this isn't yet the case for some treatments, such as anti-ageing injections or fillers. And although

it's a legal requirement that laser treatment providers are registered, industry sources estimate that up to half in England aren't.

Routes for complaint

There are ways to protect yourself if you're having private treatment:

Before treatment

- Ask questions before signing up. Expect a consultation and cooling-off period, explanation of the treatment and risks, instructions to follow before and after, and a clear breakdown of the cost.

- Professions such as acupuncture, herbal and Chinese medicine and beauticians aren't currently regulated (the first three are being reviewed). Ask about qualifications, standards, insurance, complaints procedures and membership of any standard-setting industry body.

- Check if natural and complementary healthcare professionals have voluntarily registered with the Complementary & Natural Healthcare Council.

If you have a complaint

- Start by trying to resolve things with the practitioner or organisation. Ask for

The Care Quality Commission has agreed to make its website clearer

its complaints procedure. Check out useful guides to complaining, such as those by AvMA, Consumer Direct (Consumerline in Northern Ireland), and IHAS (see 'Contacts', opposite).

- Write to the organisation as soon as possible, setting out your case clearly. Keep all receipts, letters, emails and notes and log any phone conversations.

Taking it further

- If your complaint concerns the clinician's conduct, contact their professional regulatory body – see www.chre.org.uk.

- If your complaint is about a place (for example, a clinic or hospital) or higher-risk services such as medical procedures, contact the appropriate UK regulator, such as the Care Quality Commission (CQC) in England (see 'Contacts'). If not, check if there is a voluntary regulator or scheme.

- If the provider was negligent or the materials used were unsuitable or sub-standard and you suffered personal injury or harm, speak to a specialist solicitor. It may be worth seeking redress in court.

Which? says

While we applaud good practice in private health services, we found a high level of dissatisfaction when patients do complain. Taking complaints further can be confusing, with no single organisation to go to – unlike the financial sector, where you can complain to the Financial Ombudsman Service (see p70).

We want to see all companies building accountability at every level into well-publicised complaints processes, with regulators ensuring compliance. The CQC tells us: 'Some patients have told us that their complaints weren't taken seriously or acted upon appropriately. This is not good enough.'

It confirmed that, from 2010, new quality standards for independent providers would mean monitoring and tough enforcement of obligations, such as complaints-handling. It has also agreed to make its confusing website wording clearer for consumers.

In addition to the new standards, Which? is suggesting a general consumer ombudsman to help people who have unresolved complaints about contracts or goods and services.

We'll be looking at NHS complaints next year.

MEMBERS' EXPERIENCES

Which? members told us about their experiences with private healthcare services



The English clinic had sub-contracted, so I had a three-year negligence claim with an Italian surgeon.

Lynda Ryde (infected tummy tuck, Blackburn)

'The optician's eye test was sub-standard but, on changing branches, I discovered that this was well known. I decided not to make waves.'

John Hall, (eye test, Cornwall)



The care was shocking, but it's a business transaction so I just won't use them again.

John Hicks (nasal surgery, Winchester)

COMPLAINTS SERVICE MAKES A DIFFERENCE

Haidee Smith, 44, sports therapy lecturer, and **Dr Dave Dehal**, dental practice owner

When Haidee Smith decided to freshen up her teeth by getting new crowns and a veneer, she didn't expect shoddy workmanship.

But it left her with gaps between the teeth and gums, exposing her old teeth, new 'false cartoon-looking, short, square teeth', and increasing pain and sensitivity.

Thankfully, a Which? supercomplaint back in 2001

had highlighted the need for a private dentistry complaints service. In 2006, the General Dental Council formed the Dental Complaints Service, which helped Haidee to meet with the owner of the dental practice where the work was carried out.

The practice owner, Dr Dave Dehal (pictured), agreed that the work, by a dentist who'd since left, was sub-standard.

Haidee said: 'He offered me a cheque on the spot. I nearly fell off the chair.'

Dr Dehal has since instigated a system whereby he audits 10 randomly selected patient files for each dentist monthly, and follows up on all aspects of their care.

He says: 'We ask patients about their experience so that we can really monitor what's happening.'



Checklist

When you buy a health service, you're still a consumer

■ You're entitled to get the service you were promised, but read the terms and conditions carefully. What is the company actually offering? Does it guarantee specific results?



■ Keep a copy of any advert or promotional material that guarantees certain results from the treatment – you can use it as evidence if the treatment doesn't work and you need to claim your money back.

■ Pay for some or all of the treatment using a credit card. As long as the treatment costs more than £100 but less than £30,000, the card company would be just as liable for any breach of contract or 'misrepresentation' – for example if the company claimed that the treatment would do something significant, but it turned out to be untrue.

■ Don't get fobbed off if you get poor service or treatment. Under the Supply of Goods and Services Act 1982 (common law in Scotland), anyone providing a service has to do so using 'reasonable care and skill'.

■ Any materials used while providing the treatment also have to be 'fit for purpose' and of 'satisfactory quality'. The UK Cosmetic Products (Safety) Regulations 2004 also state which materials can and can't be used in treatment.

■ Report misleading advertising to the Advertising Standards Authority (see our guide, p66) or poor sales practice to your local Trading Standards department.

Contacts

Action Against Medical Accidents (AvMA) 0845 123 2352
www.avma.org.uk

Care Quality Commission (England)
03000 616161; www.cqc.org.uk

Complementary and Natural Healthcare Council
020 3178 2199; www.cnhc.org.uk

Consumer Direct
0845 404 0506
www.consumerdirect.gov.uk

Consumerline (Northern Ireland)
0845 600 6262
www.consumerline.org

Dental Complaints Service
0845 612 0540
www.dentalcomplaints.org.uk

Health Inspectorate Wales
029 2092 8850; www.hiwi.org.uk

Independent Healthcare Advisory Services (IHAS) www.independ-enthealthcare.org.uk; 020 7379 8598

Regulation and Quality Improvement Authority (RQIA) (Northern Ireland)
028 9051 7500; www.rqia.org.uk