

# meadowbridge

## S U R G E R Y

### COMPLAINTS – 3<sup>rd</sup> PARTY - INFORMATION SHEET

Complaints Co-ordinators:

Mrs Diane Lavery  
Practice Manager  
Non-Clinical

Dr N Lavin  
Practitioner  
Clinical

If you have a complaint or are concerned about the services or treatment you have received from the doctors or any of the staff working in our practice, please let us know. We operate a complaints procedure to deal with any complaints which meets the criteria agreed for Health & Social Care Services.

Patients are informed of the complaints procedure by poster in reception and Practice leaflet.

#### **Who can complain?**

Any person can complain about any matter connected with the practice. Complaints may be made by:

- a patient or client in writing or verbally
- former patients, clients or visitors using HSCB services and facilities;
- someone acting on behalf of existing or former patients or clients, providing they have obtained the patient's or client's consent;
- parents (or persons with parental responsibility) on behalf of a child; and
- any appropriate person in respect of a patient or client who has died e.g. the next of kin.

#### **How can you complain?**

Hopefully most problems can be sorted out easily and quickly, often when they arise and with the person concerned. If this is not possible, and you wish to formally make a complaint, let us know as soon as possible in order that we may find out what happened more easily.

We can however, consider complaints made within six months of the date of discovering the problem, provided this is within twelve months of the incident. If it is clearly reasonable in the circumstances to make a complaint after this and where it is still possible to investigate the facts of the case, we can consider extending this time limit.

If you wish to make a complaint, speak or write to the Practice Manager (Diane Lavery). The complaints procedure will be explained to you and you will be given assurance that your concerns are dealt with promptly in an independent and unbiased manner. It will be helpful if you are as specific as possible about your complaint.

## **Whats Next?**

All complaints, verbal or written, are entered in the Practice Complaints Register, given a unique identity number and date tracked.

We shall acknowledge written complaints either orally or in writing, normally within two to three working days. We aim to have looked into your complaint within 10 working days from the date of receipt, if an honest broker is used this could extend to 20 working days.

Administrative complaints are investigated by Mrs Lavery. Clinical complaints are investigated by Dr Lavin. Findings are discussed at Partners' meeting and suggestions for improvement implemented.

A written report is provided within 10 working days. If this is not possible, the reason for the delay will be explained and a revised date for the completion of the investigation given. The patient can meet with the Complaints Co-ordinators to discuss the complaint, investigation and findings.

All issues regarding the complaint will be dealt with in strictest confidence. Future treatment will not be prejudiced in any way.

In investigating your complaint we aim to:

- Find out what happened and what went wrong
- Enable you to discuss the problem with those concerned, if you would like this.
- Ensure you receive an apology, where this is appropriate.
- Identify what can be done to make sure the problem does not happen again.

If you are dissatisfied with our initial response, the Health and Social Care Trust offer a local resolution options which you may wish to investigate. Alternatively if you feel that local resolution has been exhausted you can take your complaint to the Patient/Client Council or the Complaints Ombudsman.

## **Consent**

Staff is aware of their legal and ethical duty to protect the confidentiality of patients. These legal requirements are set out in the Data Protection Act 1998 and the Human Rights Act 1998.

Complaints by a third party should be made with the written consent of the individual concerned.

There will be situations where it is not possible to obtain consent, such as:

- where the individual is a child and not of sufficient age or understanding to make a complaint on their own behalf
- where the individual is incapable (for example, rendered unconscious due to an accident; judgement impaired by learning disability, mental illness, brain injury or serious communication problems)
- where the subject of the complaint is deceased

Please see Consent Form & separate notes attached for further information.

Contact details for organisations that can offer support to complainants:

Mr Michael Cruikshanks  
Complaints Manager  
Strategic Planning and Performance Group  
Department of Health (DoH)  
Complaints Office  
12-22 Linenhall Street  
Belfast  
BT2 8BS  
Complaints line number – 028 9536 3893.  
PCC email is – [info.pcc@pcc-ni.net](mailto:info.pcc@pcc-ni.net)

If you have difficulty in approaching the Practice to address your complaint, the Strategic Planning and Performance Group, DOH offer an honest broker role, where they can give assistance and advise to you on taking your complaint forward.

**Patient and Client Council (PCC)**

Bronte Mayo  
Patient and Client Support Officer  
email [info.pcc@pcc-ni.net](mailto:info.pcc@pcc-ni.net)  
Freephone 0800 917 0222

The role of the PCC in complaints investigations is solely as an advocate for the complainant. This is distinctly different to that of the Board's complaints staff acting as an 'honest broker' or intermediary between complainants and Practices to help achieve resolution of complaint

**Ombudsman**

Ms Margaret Kelly  
Northern Ireland Public Service Ombudsman (NIPSO)  
Progressive House  
33 Wellington Place  
Belfast  
BT1 6HN  
Tel 0800 343424

The Ombudsman gives advice and assistance if you feel that local resolution has been exhausted. However, the complainant must approach NIPSO within six months of receiving the Practice final response.

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## SURGERY

### Consent Form for Complaint or Enquiry

You (i.e. the Complainant) can make a complaint or enquiry on behalf of a patient / client / (i.e. service user) but we will require consent to respond to you where it involves disclosing any confidential or personal information about the service user.

*Please read the notes overleaf before completing the form below*

Service User's Full Name: ..... Service User's Date of Birth: .....

Service User's Address: .....

### Declaration and Signature by Complainant

**Please tick the correct box/s and sign below:**

1. ☐ I have been asked by the service user to make this complaint / enquiry on their behalf, and the service user's written consent is below

**Service user's signature** ..... **Date:** ..... **Print Name:**.....

2. ☐ I am acting for a service user who does not have the capacity to consent, and I am the *appropriate person* to act as representative of the service user

a. Please clarify relationship to the service user:.....

b. Please provide the reason why the service user does not have capacity to consent and enclose supporting evidence (where applicable):  
.....

3. ☐ The service user is deceased and I am the *appropriate person* to act as representative of the deceased (please clarify & provide evidence of relationship to the deceased)

.....

**OR**

☐ Am their *personal representative*. I have attach legal documents confirming my appointment (ie. Grant of Probate, Letters of Administration, Letter from Solicitor) ☐

4. I have been *asked to act as the representative* for the appropriate person (where the service user does not have capacity to consent: **2** above; or is deceased: **3** above) to make this complaint / enquiry on his / her behalf, and the appropriate person's written consent is below.

☐ Please clarify the appropriate person's relationship to the service user, and provide supporting documentation (where possible).

RELATIONSHIP: .....

**Signature of the Complainant:** ..... **Date:** ..... **Print Name:**.....

**Appropriate Person's signature** ..... **Date:** ..... **Print Name:**.....

**Representative Person's signature** ..... **Date:** ..... **Print Name:**.....

## NOTES PAGE

### To be read prior to completion of Form of Consent (overleaf)

#### A. Who can complain?

*"Any person can complain about any matter connected with the provision of HSC services. Complaints can be made by:*

- ☐ *A patient or client*
- ☐ *Former patients, clients or visitors using HSC services and facilities*
- ☐ *Someone acting on behalf of existing or former patients or clients, providing they have obtained the patient's or client's consent*
- ☐ *Parents (or persons with parental responsibility) on behalf of a child*
- ☐ *Any appropriate person ..."* (see 2 below).

(Para 2.3, Complaints in Health & Social Care: Standards & Guidelines for Resolution & Learning, April 2009)

#### B. Who is an appropriate person?

An appropriate person is someone who is acting on behalf of *"a patient or client unable by reason of physical or mental capacity to make the complaint himself or who has died, e.g. the next of kin."*

*"Complaints by a third party should be made with the written consent of the individual concerned. There will be situations where it is not possible to obtain consent, such as:*

- ☐ *Where the individual is a child and not of sufficient age or understanding to make a complaint on their own behalf*
- ☐ *Where the individual is incapable (e.g. rendered unconscious due to an accident; judgement impaired by learning disability, mental illness, brain injury or serious communication problems)*
- ☐ *Where the subject of the complaint is deceased."*

*"Where a person is unable to act for him/herself, his / her consent shall not be required."*

(Para 2.3-2.5, Complaints in Health & Social Care: Standards & Guidelines for Resolution & Learning, April 2009)

#### C. Other representatives

There will be occasions when the appropriate person asks another party to act as complainant (i.e. his / her representative) in the complaint. In such situations, point 4 of the form overleaf should be completed.

#### D. Not suitable to act as representative

In all circumstances, *the Complaints Manager "will determine whether the complainant has sufficient interest to act as a representative. The question of whether a complainant is suitable to make representation depends, in particular, on the need to respect the confidentiality of the patient or client."*

(Para 2.6, Complaints in Health & Social Care: Standards & Guidelines for Resolution & Learning, April 2009)

Where the Complaints Manager is of the opinion that a representative does not have sufficient interest in the service user's welfare or is unsuitable to act a representative, that person will be notified in writing.

#### E. Further information?

Department of Health 'Guidance in relation to the Health and Social Care Complaints Procedure' (April 2023) (HSC Complaints Procedure). The appropriate link is below:

<https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-guidance-hsc-complaints-procedure.PDF>