

Making a complaint about health or social care in Northern Ireland

This self-help guide contains all the information you should need to make a complaint about health and social care in Northern Ireland if you are not happy with the treatment that you or a loved one has received.

If you have any further questions, please visit our website where you will find more advice and a range of specialised self-help guides, or call our helpline.

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The **charity** for **patient safety** and **justice**


AvMA is the charity for patient safety and justice. We provide specialist advice and support to people when things go wrong in healthcare and campaign to improve patient safety and justice.

For advice and information visit **www.avma.org.uk**

Or call our helpline
*10am-3.30pm Monday-Friday
(03 calls cost no more than calls to geographic numbers (01 or 02) and must be included in inclusive minutes or there can be a cost per minute)*

0345 123 2352

 Freedman House,
Christopher Wren Yard,
117 High Street,
Croydon CR0 1QG

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Registered charity in England & Wales
(299123) and Scotland (SCO39683)

Your right to complain

If you are unhappy with the care and treatment you have received from health or social care services in Northern Ireland, you have the right to make a complaint. Your concerns could be about any aspect of your care.

When to complain

You should normally complain as soon as possible. This way, everyone's recollection of events is fresh.

Usually complaints should be made within six months either from when the events you are complaining about happened or from when you found out that there was something to complain about (as long as this is not more than one year after the incident).

There may be discretion to extend the time limit for acceptance of a complaint.

Who can complain?

- A patient or former patient of the practitioner or institution concerned
- It may be possible to complain on behalf of someone else. If you wish to do this the hospital or practice will have to agree you are a suitable representative

When a person other than the patient is intending to make the complaint they must be able to demonstrate that they have obtained consent from the patient, which would normally need to be in writing.

What can be complained about

You can complain about NHS care provided by the following:

- Hospitals
- Family health services, including GPs (general medical practitioners), general dental practitioners, opticians and community pharmacists

- Community services that provide health services, for example: community nurses, community dentists, physiotherapists, dieticians, health visitors
- Private hospitals or care homes where the patient is funded by the Health and Social Care Board
- Regulated establishments and agencies such as residential nursing home or domiciliary agency
- Any care given by health and social care trusts

AvMA may be able to offer assistance with complaints about care and treatment where there has been a lapse in patient safety and harm may have been caused.

What can't be complained about

The NHS complaints procedures in Northern Ireland cannot usually deal with requests for compensation alone.

How to make a complaint

The first stage of the complaints procedure is to make a complaint to the practitioner or institution concerned.

You can speak directly to a member of staff involved in your care about your complaint and ask for a copy of the complaints procedure. You can make your complaint orally, in writing or by email.

If you are submitting a written or email complaint, this should be addressed to the person responsible for complaints at the health and social care organisation: for instance, each health and social care trust has a complaints manager.

If your complaint relates to services provided by a GP, dentist, pharmacist or optician you can contact the Health and Social Care Board's complaints office. They will then act as a go-between and offer an 'honest broker' service. They may also offer conciliation services if appropriate.

If the complaint is about a nursing or residential home, you should contact the home directly, addressing your complaint to the home manager.

Further information

There are six health and social care trusts in Northern Ireland. Details are available on the Northern Ireland healthcare gateway:

<https://online.hscni.net/lcgs/>

Address your complaint to the complaints department.

Health and Social Care Board

Complaints Office, 12-22 Linenhall Street, Belfast BT2 8BS

Tel: 02895 363893

Email: complaints.hscb@hscni.net

What to include in your complaint

- Your contact details
- Who and what you are complaining about
- A description of the events giving rise to your complaint

- What you have already done to try to resolve your complaint, such as speaking to a member of staff
- What redress you are seeking as a result of your complaint such as:
 - An apology
 - An explanation
 - Any action you wish to be taken
 - An explanation of what steps the practitioner or institution are taking to avoid the same thing happening to anyone else

You should always keep a copy of your complaint.

What happens next

How the health and social care provider will respond to your complaint.

Your complaint will be acknowledged in 2-3 days.

- If your complaint is about a trust or the Health and Social Care Board, a response should be sent within 20 working days
- If the complaint is about a GP, dentist, pharmacist or optician the response should be within 10 working days
- If the matter is a complex one (which may be the case with complaints involving clinical care or surgery), the investigation may take longer and if this is the case the complaints manager should inform you as to when you can expect a response.

When you receive the response you may consider that it is not adequate. For example:

- Not all your questions have been answered
- You do not understand the explanations which have been offered
- It is not clear whether a thorough investigation has been carried out and/or that appropriate members of staff were asked to give information
- You are not clear that steps have been taken to avoid the same events happening again

If this is the case, contact the person who has responded to your complaint and include:

- The reasons that you are not happy with their response
- Any additional issues you wish to have addressed
- What you would like to happen next

If you wish to have AvMA's advice once you have received the initial response to your complaint you can contact our helpline.

You can indicate how you wish the matter to be dealt with. You may want a written response, or either you or the health and social care provider may suggest a meeting.

Attending meetings

Sometimes as part of the investigation you may be invited to meetings. These can be very helpful, particularly where there are complex medical issues.

Meetings can be useful to ensure the organisation understands your complaint and how they should investigate and respond. After the investigation has been carried out, they can help the provider to explain the process and findings, that the relevant issues have been dealt with and explain what actions will be taken as a result.

You should be well briefed and prepared for such meetings. You may wish to request a written response to your complaint before the meeting to help you prepare for the discussion. You do not have to attend meetings if you do not want to: the organisation is obliged to respond in writing.

Points to consider before a meeting

- **What form will the meeting take?**
- **Who will attend?**
Think about whether you would like the staff members involved in the incident to attend, or if you would prefer not to see them.
- **Where will the meeting be held and how long will it take?**
This is important if you are still recovering from an illness as you may not feel able to attend the whole meeting. Tell the complaints manager in advance if you have any difficulties with this.
- **Do you need any adjustments?**
If you have mobility, hearing or sight difficulties you should let the complaints manager know in advance so they can make any necessary arrangements.
- **What issues do you want addressed?**
It is a good idea to give the complaints manager a short list of your questions or concerns before the meeting. Keep a copy to take with you.
- **Do you need any support?**
Think about taking a friend or relative to the meeting for support and to take notes. The Patient and Client Council can attend with you, if needed.

After a meeting

Do not agree with anything at the meeting that you are not sure about. It is also a good idea to ask for a full written record of the meeting.

If the NHS organisation thinks that your complaint has been fully investigated, they should send you a full written response. They should also tell you what to do next if you are not satisfied.

Further information

Patient and Client Council

Freepost, Patient and Client Council

Helpline: 0800 917 0222

Email: complaints.pcc@hscni.net

www.patientclientcouncil.hscni.net

Northern Ireland Commissioner for Complaints

If you remain unhappy, you can then refer your complaint to the Northern Ireland Commissioner for Complaints (the Ombudsman). The Ombudsman will then consider whether this is a matter they can investigate.

Matters the Ombudsman can investigate

- All complaints about health and social care services including hospitals, GPs and dentists
- Private sector complaints where health and social care are funding the care or service
- Cases of unfair treatment or poor service where the complaint has not been resolved to your satisfaction
- Complaints relating to professional judgement of clinical decisions in a healthcare setting as well as how your complaint has been handled

Matters the Ombudsman cannot investigate

- Private medical care
- Complaints relating to access to information and the Data Protection Act
- Government policy

If more than six months have elapsed since the completion of the public body's consideration of your complaint then the Ombudsman may not be able to investigate. They may, however, be prepared to extend this and you should ask for any special circumstances, such as ill health, to be taken in to account.

The Ombudsman may also be unable to investigate if you are considering taking or are pursuing legal action. However, if you can make it clear that you are also seeking an outcome that could not be obtained through legal action, such as changes to how the health and social care provider works, then they may be able to assist.

How to complain to the Ombudsman

You should make a complaint in writing or by using the forms available on the Ombudsman's website. You should supply all relevant information, such as any correspondence with the health and social care provider. The Ombudsman will then consider whether they have legal authority to accept the complaint.

If they do, they will then assess the complaint to see if it should be investigated based on the documentation you have supplied. They may ask the organisation complained about for additional information or for any proposal they have to remedy the complaint rather than the Ombudsman investigating.

An investigation will only usually be held if it:

- Is appropriate and necessary
- Would bring about a solution or adequate remedy
- Could be of benefit to the general public

The Ombudsman will write to you and inform you of their decision.

If the Ombudsman does investigate a team will be established to review the evidence or gather any further evidence required. This may involve speaking to you for further information.

What the Ombudsman can do

The Ombudsman can make recommendations about what should be done to make matters right including changes in practice. They cannot award compensation nor take disciplinary action against individual members of staff.

Further information

Northern Ireland Public Services Ombudsman

Progressive House, 33 Wellington Place, Belfast BT1 6HN

Freepost: Freepost NIPSO

Tel: 02890 233821

Text phone: 02890 897789

Freephone: 0800 34 34 24

Email: nipso@nipso.org.uk

www.nipso.org.uk

Who can help me with my complaint?

Patient and Client Council

If you require assistance to raise your concerns, you can contact the Patient and Client Council's complaint support officers by telephone, email, letter or through their website.

They will listen to your experiences and offer the advice or support that you need.

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Other forms of redress

There are other options open to you depending on the nature of your case, including judicial review, legal action and disciplinary action.

Judicial review

In some cases it may be appropriate to use the judicial review procedure, particularly if you need to urgently challenge a decision made by an NHS body, for example, a decision not to provide certain treatment.

Judicial review is a remedy of last resort and will only rarely be applicable to NHS complaints.

You will need a solicitor to offer you specialised advice on whether there are grounds to make an application for judicial review and for advice on whether it is worthwhile becoming involved in what can be an expensive and complex legal procedure.

An application must be made to the court within three months of the decision or action being taken or three months from the impact of the decision.

Further information

To find solicitors in Northern Ireland for advice about clinical negligence claims or judicial review, please visit our **Find a Solicitor** resource at www.avma.org.uk/find-a-solicitor

If you wish to have AvMA's advice about a judicial review you can contact our helpline.

Legal action

If you or a family member has suffered harm, such as physical injury, as a result of the incident you are complaining about, you may be considering whether you have a possible claim for compensation (clinical negligence). Such cases have to be settled or legal proceedings brought within three years.

If you are considering a possible claim you can find more information on our website at www.avma.org.uk/make-a-claim

Disciplinary action

The health and social care complaints procedure is separate from any disciplinary action against individual members of staff. However, doctors and other staff may undertake further training or reflection and learning as a result of the complaint. If you are considering reporting individual member of staff to their regulatory body, you should raise your concerns as soon as possible.

If you are considering disciplinary action against individual members of staff, you can find more information on our website at www.avma.org.uk/wp-content/uploads/Fitness-to-practise.pdf.

Be part of the movement for better patient safety and justice

Become a **Friend of AvMA** today



You can help make healthcare safer and fairer for all

AvMA wants to build on the support we enjoy from people all round the country who share our passion for making healthcare safer and fairer for those who do suffer harm.

By signing up to be a Friend of AvMA you will belong to a growing movement for change. Join injured patients and their families, healthcare professionals, lawyers and many more who share our goals.

Becoming a Friend of AvMA costs from as little as £5 a month.

£5/month could provide vital advice to patients and families via our helpline

£10/month could help train a volunteer helpline advisor

£50/month could help support a family through an inquest hearing

Benefits of membership

- Regular newsletter keeping you up-to-date with our work
- Invitations to special events
- Share your thoughts on our work and policy issues

Your help could make a real difference to patient safety in the UK

Please sign up today at www.avma.org.uk/friends

avma
action *against* medical accidents

The **charity** for patient safety and justice

AvMA is the charity for patient safety and justice. We provide specialist advice and support to people when things go wrong in healthcare and campaign to improve patient safety and justice.

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