

Making a complaint on behalf of someone else

If you are unhappy with the care a relative or friend has received, you may wish to raise your concerns with us directly. We are very happy to receive complaints from a patient's loved ones. There are though some important points you should be aware of.

Hospital staff have a legal duty to protect a patient's confidentiality.

We cannot give you any private details about a patient's care unless they give us their permission. The duty of confidentiality also persists after a patient has died. However, the law gives some people access to a deceased person's medical information.

We cannot investigate a complaint about a patient's care unless they have agreed that you can act as their representative.

If the patient is a child, they should make the complaint themselves if possible. The law says that there has to be a good reason why a representative is complaining on the child's behalf.

A patient must be happy for you to complain on their behalf.

Special rules apply if a patient is physically unable to agree to the complaint being made, or lacks the mental capacity to consent.

If a patient is not able to consent, the person legally charged with looking after their affairs can agree to the complaint being made. In other situations we will consider what is in the patient's best interests.

With this leaflet, we have sent you a form. It is called "Permission to act on my behalf". We cannot reply to your complaint until this form is completed and returned to us by post.

Do we have the answer to your question?

We certainly do not want to stop you from making a complaint. However, we hope you will understand the legal and ethical obligations we have to protect our patients' privacy.

We've listed some common questions below. Please let us know if you have any other queries.

I have been to all of the patient's appointments and know all about their care. Why do I need to obtain a signature now?

We need to be sure for our records that the patient is happy for us to give you information.

I only wanted appointment details clarified. Why have you sent me a form?

All information about a patient's care is confidential. Sometimes, the appointment information is sensitive and can be sufficient to identify what condition a patient has.

The patient is not able to sign. What should I do?

Firstly, **if the patient is physically and mentally able to sign, they must do this themselves.** If there are any language or physical barriers to the person signing, please let us know and we can look at other ways of obtaining their consent.

If a patient is currently unable to look after their own affairs and they cannot consent to giving us the information, then the form needs to be completed by whoever is legally charged with looking after that person's interests. The person completing the form will need to say why they are signing on behalf of the patient.

If a patient has died, the personal representative can sign the form. The personal representative is the person entitled to administer the deceased person's estate. The Access to Health Records Act 1990 also allows for information to be released to any person who may have a claim arising out of a patient's death. However, if the information requested through the complaint relates solely to only the circumstances of a person's death, their closest relative may sign the form.

I have made the complaint. Can I complete the form?

Yes. As long as the patient **signs** the form and understands what they are signing, you can fill in all the other details for them.

I don't want the patient to know that I have complained, as this will upset them.

We understand why you might feel that way, but the patient must agree to the complaint.

If you have any further questions, please:

Telephone us on 01902 695332

E-mail us at rwh-tr.complaints@nhs.net