

## Memorandum

**TO:** Family Practitioner Services

**FROM:** HSC Board Complaints Department

**DATE:**

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**RE:** Consent during Complaints Handling

- **Consent to act on a patient's/client's behalf**

The HSC Complaints Procedure (para 2.6) gives complaints managers discretion to determine who has sufficient interest to act as a representative for a patient/client (e.g. relative/carer).

However, following a recommendation by the Ombudsman's Office, in which it was outlined that there needed to be substantive evidence to demonstrate that a complainant has sufficient interest to be deemed an 'appropriate person' to raise a complaint on a patient's/client's behalf, the following form was compiled by Health and Social Care Trusts. This was agreed by the Ombudsman and discussed at the DHSSPS Complaints Policy Liaison Group.

The Board is also now adopting this form and would request that all Practices also incorporate this into their formal processes when seeking appropriate consent.

- **Consent to supply complaints information to the Board**

Following a recent presentation at the RCGP Practice Managers' Forum, it was agreed that in those complaints where the Board is acting as an 'honest broker' or intermediary, consent will also now be obtained from the complainant/patient for information to be shared with the Board. This will be made available to the relevant Practice once obtained and will ensure there are no issues regarding a potential breach of confidentiality.

In this context, I would like to remind all Practices that anonymised copies of all written complaints (i.e. letters, statements taken, complaints forms) received and responded to directly at Practice level, should be forwarded to the Board for monitoring purposes (and within 3 working days of the response having been issued). Please note that only the patient's name and contact details should be anonymised.

To ensure that patients/complainants are aware that the Board will be receiving anonymised copies of their complaint and the Practices' responses, it is suggested that, when acknowledging complaints, Practices should make reference to this. If any objection is subsequently received the correspondence can legitimately be withheld.

If you have any queries or wish to discuss please contact the Board Complaints Department on 9536 3893.

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**Michael Cruikshanks**  
**Deputy Complaints Manager**