

# Rosegarth & Siddal Surgery

## 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.

NHS 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 written 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. Please seek legal advice for clarity if required.

We cannot investigate a complaint about a patient's care unless they have agreed that you can act as their representative and have confirmed this in writing to the practice.

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

If the patient is a child (under 16) persons with parental responsibility can make the complaint on the child's behalf. However, if the child is 16 years and over they can make the complaint themselves or alternatively give written consent for a parent to act on their behalf. The law says that there has to be a good reason why a representative is complaining on the child's behalf as the NHS will expect young people aged 16 or 17 to make their own complaint if they have the understanding to do so. If they don't have this understanding, the parent, can make a complaint 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 0

**The patient is not available 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 this way, but the patient must agree to the complaint.



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**Permission for another person to act on my behalf**

If you wish to permit another person to complain to the surgery on your behalf and that person is not your legal guardian or legal representative and you are over the age of 16 years then you need to give your consent for that person to communicate with us on your behalf in order to resolve your query.

The NHS will expect young people aged 16 or 17 to make their own complaint if they have the understanding to do so. If they don't have this understanding, the parent, can make a complaint on their behalf. Please see our leaflet

To do so you can either:

- Contact the surgery personally with your written complaint stating who you would like to nominate as your choose representative, within the body of your complaint and please return this to the practice.

or

- Complete and return this form to the surgery- also with accompanying details on you complaint

I, .....

*[your name]* consent to:

.....

.....

*[Please include the name, address and contact telephone number of the authorised person to act on your behalf. Please print your nominated representative's name clearly along with their relationship to you. PLEASE NOTE that without all these details in full we will not be able to process your complaint]*

I understand that .....

*[name of authorised person]*

will receive my personal/medical information from Rosegarth & Siddal Surgery in relation to my complaint.

..... Your signature

..... Print Name

..... Date