

### 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 his / her behalf, and the service user's written consent is below

**Service user's signature** .....

..... **Date:** .....

(Please print name also)

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 relationship to the deceased)

.....

**OR**

Their personal representative. I 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 any supporting evidence (where applicable)

.....

**Appropriate Person's signature** .....

..... **Date:** .....

(Please print name also)

**Signature of the Complainant:** .....

..... **Date:** .....

(Please print name also)

## **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?**

More information on the HSC Complaints Procedure is also available at website [www.dhsspsni.gov.uk/hsccomplaints.htm](http://www.dhsspsni.gov.uk/hsccomplaints.htm)