

Appendix A

Consent and the Complaints Procedure

What is consent?

Consent is to give permission for something to happen

Why do we need this?

We have an obligation to protect the privacy of our patients. In order to comply with current NHS regulations Walsall Clinical Commissioning Group requires written consent to request and share information for the purpose of investigating a complaint.

How we are using your information

It may be necessary to look at your medical records or to send or request details about your care to other providers and organisations. We may also ask permission for information to be shared for learning and evaluation purposes. This is particularly important if actions are developed to improve services as a result of your experience and feedback.

How do we store your information?

Your complaint record will be held electronically and securely on a database. Information is held in accordance with the principles of the General Data Protection Regulations and all NHS staff have a legal duty to maintain your confidentiality and protect your information. We retain this information for ten years from completion of action before they are destroyed under confidential conditions

Making a complaint about the care or treatment that you have received

We do not need consent unless we need to share your information with another service provider or partner organisation that may be linked to your complaint. This could be an organisation such as your GP surgery or the local Council. If we do need to do this, we will contact you explaining the reason why and providing you with a consent form.

Making a complaint on behalf of someone else

If you are unhappy with the care of a relative or a friend you may wish to raise your concern with us. We are very happy to receive complaints from a patient's loved one. However, there are some important points you should be aware of. If different members of the family wish to be involved in making the complaint you need to agree for one person to be the nominated complainant. It is this individual that should be named on the complaint form and we shall speak with them by telephone and send any correspondence to their home address. We cannot investigate a

complaint about a patient's care unless they have agreed that they want the complaint to be raised and that they are happy for you to act as their representative.

This means that we cannot give you any private details about the patient's care unless they give us permission to do so. If you are making a complaint on behalf of someone else, you can complete the consent form on their behalf, but they must sign it. If the patient is physically able and has the capacity to understand what they are signing, they must do this themselves.

What if the patient is a child?

If the patient is a child, and they are old enough, they should make the complaint themselves if possible. However, for a younger child it is necessary for you to provide evidence that you have authority to act on that child's behalf. This is usually in the form of a copy of their birth certificate which shows that you are their parent or another document that shows you have parental responsibility as their guardian.

What if the patient lacks capacity?

The person legally charged with looking after their affairs can agree to the complaint being made. It will be necessary for you to provide evidence that you have authority to act on the patient's behalf. This is usually in the form of a copy of an appropriately authorised Lasting Power of Attorney for Health and Welfare Matters. If you are making a complaint on behalf of someone who has died it is necessary for you to provide evidence that you have authority to act on their behalf. This is usually in the form of:

- A copy of a historic and appropriately authorised Lasting Power of Attorney
- Or a copy of their will that shows you are either an executor of their estate or a beneficiary
- A copy of documentation verifying your relationship to the patient. For example: - your birth certificate or wedding certificate showing that you were married to the deceased

Right to withdraw consent

You have a right to withdraw consent at any time. If you wish to do this for any reason please do not hesitate to contact us.

In other situations, we will consider what is in the patient's best interests – please contact us so that we can discuss a way of ensuring that your concerns are listened to. In the meantime, if you have any queries or concerns please do not hesitate to contact us:

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