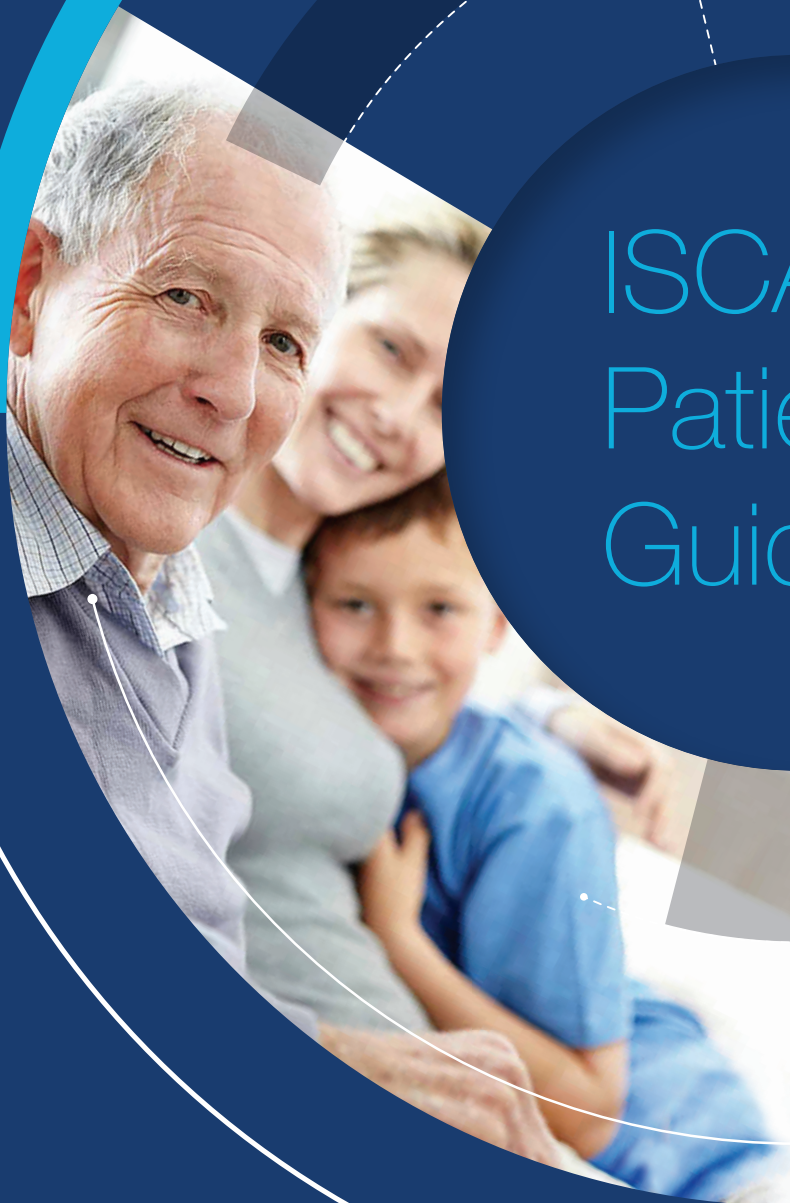


Making a complaint
about private or
independent
healthcare



ISCAS Patients' Guide



ISCAS

INDEPENDENT SECTOR
COMPLAINTS ADJUDICATION SERVICE



What is ISCAS?

The Independent Sector Complaints Adjudication Service (ISCAS) provides independent adjudication on complaints.

To find out whether an organisation is covered by the ISCAS Code, go to www.iscas.org.uk
The adjudication by ISCAS is funded by the healthcare provider and there is no charge to you in making a referral.

If the provider is not covered under ISCAS, it is still your right to refer the clinician to the relevant professional regulator. The ISCAS Code details the regulators for each of the four countries in the UK. Except for Scotland, the healthcare regulators do not investigate individual complaints, but they gather feedback from the public as part of the information they hold on each independent healthcare provider.

If you are concerned about the safety of a doctor or any other health professional, you may wish to refer the clinician to the professional regulator - <https://iscas.cedr.com/about/regulation/>.



ISCAS and the Patients Association

The Patients Association is an independent charity which 'listens to patients and speaks up for change'. The national helpline number is 020 8423 8999 or Freephone 0800 3457115 (check your phone supplier) or email helpline@patients-association.org.uk if you want advice or information about making a complaint.



How do I complain about an independent healthcare provider?

Whether you have received treatment from independent/private healthcare, the NHS, or a mixture of both you need the reassurance that there is a complaints process in place if things go wrong and you are not happy with the treatment you have received. It is only through patient feedback, satisfaction surveys and complaints that organisations can learn what they are doing well and how they can improve. This guide provides you with information about how to make a complaint to an independent/private healthcare provider.

Don't be reluctant to make a complaint; it is of great value to the organisation and for other patients who will benefit from the same mistakes not happening again.

What is an independent healthcare provider?

Independent healthcare providers include hospitals, clinics and independent doctors that provide services paid for directly by patients (self-funded) or by an insurance scheme. In some instances, it may also include private patient units (PPUs) in NHS hospitals. For more information, please refer to the ISCAS Code: <https://iscas.cedr.com/download/code-of-practice-for-complaints-management/>.

Are your concerns covered by the ISCAS Code?

If you're thinking about making a complaint, the first question to ask is whether the healthcare provider and service you would like to complain about is covered by the ISCAS Code. The ISCAS Code sets out good practice standards for subscribing independent healthcare providers that pay an annual subscription to ISCAS. For more details, please refer to the ISCAS provider directory and Pages 5 and 6 of the ISCAS Code: <https://iscas.cedr.com/patients/provider-directory/>. <https://iscas.cedr.com/download/code-of-practice-for-complaints-management/>.

Where do I start?

Ask the independent healthcare provider for a copy of their complaints procedure. You should make your complaint **within six months** of the incident you are concerned about wherever possible. The independent healthcare provider may be willing to investigate complaints after this time if there is the opportunity of conducting a fair and effective investigation and if you have a good reason why you could not act sooner. You can complain on behalf of someone else if the patient gives permission in writing.

What should I include in my letter of complaint?

Include all the points you wish to address and keep a written copy of any records you send. They don't need to be lengthy and can be in an email, letter, via a website or you can make a phone call.

You should state:

- Who or what has caused your concerns including the name and position of staff member.
- Where and when the events took place.
- What action you have already taken, if any.
- What outcome you want from your complaint.

Stages of the complaints process

STAGE

1

Investigation

You should receive a written acknowledgement of your complaint within three working days of the provider receiving it. You should receive a full written response to your complaint within 20 working days of making it or regular updates every 20 working days where there is a delay in the investigation being carried out.

How does the investigation take place?

The ISCAS Code supports a full investigation of your complaint. You should be offered a meeting so that the detail of your complaint can be clarified. This meeting may be in person or via telephone or video link if you prefer. The provider should look at the issues you have raised in your complaint and take statements from those involved. You should then receive a response that sets out your complaint, details of how the investigation has taken place and findings made on all issues in your complaint. The provider should set out any lessons learned as a result of the investigation. You may be offered a resolution if your complaint is upheld.

How should I prepare for a meeting?

- Ask who will be at the meeting.
- State if anyone is attending that you are uncomfortable seeing.
- Ask where the meeting will be held and how long it will last.
- Make known any of your special requirements.
- Make known if you have particular questions and send these before the meeting takes place.
- Ask how long it will take to receive a written record of the meeting.
- You can ask to bring someone with you to the meeting if that would help you.

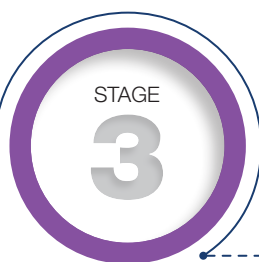
What if I'm not satisfied with the response to my complaint?

The full response to your complaint at stage 1 should tell you what to do next if you are not satisfied. If you wish to escalate your complaint for review to stage 2, you should do so in writing, within six months of the final response at stage 1.



Review

The aim is to review the investigation and complete this stage within three months. The review will be conducted by a senior member of staff who was not involved in the handling of the complaint at stage 1 or involved in the daily operation of the hospital/clinic. Relevant documents will be reviewed, interviews with staff may be requested and you may be invited to a meeting. You should receive a full, written response within 20 working days and any reasons for a delay. You may be offered a resolution to your complaint at the review stage. If you are not satisfied with the review response at stage 2 you can refer the matter to stage 3 which is **independent external adjudication**. This must be within six months of the final response at stage 2. If you make a referral to ISCAS, any offer of resolution that had been made will be withdrawn.



Referral

ISCAS provides independent adjudication. You should apply for this in writing and can find ISCAS contact details here: <https://iscas.cedr.com/contact/>. Give details of your complaint which have not been resolved and reasons for requesting adjudication. You can use the letter you wrote at stage 1, but highlight any aspects of your complaint that remain unresolved. Adjudicators will not consider any issues unless they have previously been raised with the independent healthcare provider (except concerns about the way they have handled the complaint). Provide copies of all documents, correspondence and/or clinical records that you wish to be considered and the outcomes you would like. You should receive a written acknowledgement within three working days of submitting your request for independent external adjudication.

The healthcare provider will be informed that you wish to escalate your complaint and has ten working days in which to object. In most cases complaints proceed to this stage without any objection.

ISCAS will ask you for permission for the healthcare provider to send them a copy of your medical records. Access to patient records is restricted to only those people who need it and there are strict guidelines about how records are kept, who can access them and when they are destroyed. You will need to give written consent for the records to be obtained.

Once ISCAS has gained your consent for the independent healthcare provider to provide ISCAS with all your case records and clinical records, an Independent Adjudicator will be assigned to your complaint.



Who are the Independent Adjudicators?

The Independent Adjudicators are independent of the healthcare provider with a range of experience including health policy, health professional standards, professional regulation, complaint handling and consumer policy. The Independent Adjudicator will confirm in writing that they have received your complaint. They will compile a chronology of events and identify the main points (often referred to as 'key heads') of your complaint and will set out their understanding of your complaint. You will be kept up to date with progress, at a minimum, every 20 working days. ISCAS aims to complete most of its adjudications within 3 to 6 months. The Independent Adjudicator will decide to uphold or not uphold each aspect of your complaint. The Independent Adjudicator is able to make an award of up to £5,000 although most awards are significantly lower than this maximum sum. The Independent Adjudicator is not able to direct a healthcare provider to take specific action; however, they are able to make recommendations regarding the way the healthcare provider operates.

Expert opinion

If your complaint is about complex clinical matters, in some cases the Independent Adjudicator may decide that expert advice will be required. You will be able to see the questions the Independent Adjudicator plans to ask an expert, if this is required, and will be given an opportunity to comment on them.

Appeals against the Independent Adjudication

There is no appeal against the decisions reached by the Independent Adjudicator. You can complain if you believe that ISCAS or the Adjudicator failed to carry out the procedure of adjudication properly.

Confirmation of ISCAS complaints processes which consist of three stages:

