



ISCAS

INDEPENDENT SECTOR
COMPLAINTS ADJUDICATION SERVICE

Making a complaint about
private or NHS Healthcare

ISCAS Update to the Patient Guide Coronavirus (COVID-19)

ENDORSED BY

 **the patients association**

About this leaflet:

The Independent Complaints Adjudication Service (ISCAS) is the appropriate body for the independent adjudication of complaints for the privately funded healthcare. This leaflet aims to update information for private patients treated in the independent sector or the NHS. In addition, it provides some complaint handling guidance for NHS funded patients treated in the independent sector. It is an addendum to the Patients' Guide to the ISCAS Code: <https://iscas.cedr.com/resources/publications/>

Although most people have no problems when using health services, sometimes things can go wrong. This leaflet explains what to do if you, a member of your family or someone acting on your behalf, wants to complain about treatment or services that you have received. This includes complaints about treatment or services that you received prior to the pandemic that would be due to be investigated at any of the complaint stages.

At the beginning of the pandemic the Government outlined the important role that the public can play in supporting the Action Plan to the novel coronavirus (COVID-19) outbreak, stating that:

- *Everyone can help support the UK's response by ...being understanding of the pressures the health and social care systems may be under, and receptive to changes that may be needed to the provision of care to you and your family.*

Set out below are a number questions and answers to help you understand the changes that are happening with complaint procedures. If you need to clarify any points raised in the leaflet please use the following contacts. It is important that you **do not** send hard copy letters or information in the post since the office opening hours will vary based on assessments of risk..

Independent Sector Complaints Adjudication Service (ISCAS):

- Email: info@iscas.org.uk
- Phone: 020 7536 6091

The Patients Association:

- Email: helpline@patients-association.org.uk
- Phone: 0800 345 7115

Q1: Can I still make a complaint about the provision of care and treatment?

A: Yes you can still make a complaint. At the beginning of the pandemic the Government asked the public to be understanding about the pressures that the healthcare service was under. Services continue to be under pressure as areas of healthcare reopen in different ways.

Q2: Does the organisation need to follow their current complaints policy?

A: Not explicitly. Healthcare providers are risk assessing and adapting policies and procedures as required. Providers will inform you of any changes to the complaints handling procedures.

Q3: Does the organisation need to respond within the timeframes in the complaints policy?

A: Not necessarily. Timelines for complaint handling will need to be flexible. Providers will inform you of any changes to the complaints handling procedures, including if there are delays in responding to your complaint. Independent review bodies, such as ISCAS will take into consideration the impact of the pandemic on the decisions that healthcare providers make at each point in time.

Q4: What time delay in responding to my complaint is reasonable?

A: It is impossible to say at this time what is reasonable for any individual provider. Please be prepared that you may have to wait many months before a complaint can be fully investigated.

Q5: I am a private patient who escalated my complaint to ISCAS before lockdown – will my response be delayed?

A: Possibly. ISCAS has contacted people who have complained and the providers on a case-by-case basis. The delay in response will depend on the nature of the complaint and any role the independent sector provider has in supporting the NHS. ISCAS is sorry for any distress this may cause patients, or someone acting on their behalf, but healthcare resources may continue to be impacted by the pandemic.

Q6: I am a private patient who escalated my complaint to ISCAS before lockdown – will my response be delayed?

A: Possibly. Subscribers to ISCAS may change the way in which they signpost people who wish to escalate their complaint. For example, the closing paragraph in the final letter after the internal review may conclude:

- *If you're not happy with how we've dealt with your complaint, you are entitled to raise your complaint with the Independent Sector Complaints Adjudication Service (ISCAS). However, please note that ISCAS is currently only accepting new complaints about subscribers with agreement of the provider because of the COVID-19 pandemic. This is to help ensure all healthcare providers can focus their resources on providing urgent healthcare.*

Q7: I am a NHS patient treated in the independent sector and want to escalate my complaint to the ombudsman – can I still do that?

A: Yes. The independent review stage of a complaint is usually only initiated after the internal complaints process has been followed and the person making the complaint remains dissatisfied. Each home country has an ombudsman and you should check the websites for updates on information about escalating your complaint.

- **England:** The Parliamentary and Health Service Ombudsman (PHSO) is the independent review body for NHS healthcare complaints. In response to the Coronavirus (COVID-19) crisis the PHSO paused the complaints process so that clinicians and front line delivery were not impacted. PHSO restarted work from 1st July 2020 – more information is available on the website:
<https://www.ombudsman.org.uk/coronavirus-update>
Email: phso.enquiries@ombudsman.org.uk
Phone: 0345 015 4033
- **Scotland:** The Scottish Public Services Ombudsman (SPSO) is the independent review body for NHS healthcare complaints. In prioritising work the SPSO will look to identify any complaints that concern COVID-19 or its impact and relate directly to current service provision for vulnerable people, and those where they believe there is a real and present risk to public health and safety.
<https://www.spsso.org.uk/covid-19-update-for-customers>
Email: Ask@spsso.gov.scot
Phone: 0800 377 7330
- **Wales:** The Public Services Ombudsman for Wales (PSOW) is the independent review body for healthcare complaints about the NHS, and in some circumstances private healthcare. The PSOW continues to monitor the on-going situation regarding Coronavirus (COVID-19) and has stated that their response times will be slower than usual and that providers can extend timescales.
<https://www.ombudsman.wales/blog/2020/03/17/covid-19-update/>
Email: ask@ombudsman.wales
Phone: 0300 790 0203
- **Northern Ireland:** The Northern Ireland Public Services Ombudsman (NIPSO) is the independent review body for healthcare complaints about the NHS. NIPSO is looking at how best to prioritise their existing case work and how they deal with newly received complaints about public bodies. They will respond flexibly should responses to their enquiries create difficulties or unreasonable pressures on public bodies. Their complaints teams are available to discuss any issues on a case-by-case basis.
<https://nipso.org.uk/nipso/nipso-latest-news/covid-19-update/>
Email: nipso@nipso.org.uk
Phone: 02890 233821

Q8: I am a NHS patient treated in the independent sector - when will I be able to escalate my complaint to the ombudsman?

A: The ombudsmen will resume their usual work as and when the NHS, including those independent sector providers working with the NHS, are able to respond to enquiries. The ombudsmen will regularly review the overall position and will post information about next steps on their websites.

Q9: I am concerned that other people will experience a problem with their treatment – is there somewhere else I can raise my concerns?

A: The following organisations make sure that services in the NHS and the independent sector are safe and effective. Each of these system regulators has information on their websites about how they are responding to Coronavirus (COVID-19). Please refer to the relevant website based on the country in which you were treated:

- England - Care Quality Commission (CQC)
 - Coronavirus (COVID-19) Information:
<https://www.cqc.org.uk/about-us/our-purpose-role/coronavirus-covid-19-pandemic-information-public>
 - Concerns and contacts:
<https://www.cqc.org.uk/contact-us>

- Scotland – Healthcare Improvement Scotland (HIS)
 - Coronavirus (COVID-19) Information:
http://www.healthcareimprovementscotland.org/our_work/coronavirus_covid-19.aspx
 - Concerns and contacts:
http://www.healthcareimprovementscotland.org/about_us/contact_healthcare_improvement.aspx

- Wales – Healthcare Inspectorate Wales (HIW)
 - Coronavirus (COVID-19) Information:
<https://hiw.org.uk/covid-19>
 - Concerns and contacts:
<https://hiw.org.uk/contact-us>

- Northern Ireland – The Regulatory and Quality Improvement Authority (RQIA)
 - Coronavirus (COVID-19) Information:
<https://www.rqia.org.uk/guidance/coronavirus/>
 - Concerns and contacts:
<https://www.rqia.org.uk/contact/complaints-feedback/raising-a-concern-about-a-service/>