

Family Factsheets

Making a Complaint – Northern Ireland

We hope the vast majority of families will be provided with the range of care and support that they need from local services. If, however, you feel that you have not received the standard of support or care that you are entitled to, you may wish to make a complaint.

This factsheet looks at the processes in place as well as agencies that can provide you with support if you wish to complain about health or social care provision.

Making a complaint about NHS services in Northern Ireland

There are three levels of complaint if you are not satisfied with your health provision:

1. Complaint to the Health and Social Care Services (HSC)
2. Health Services Ombudsman
3. Judicial Review

1. Complaints to the Health and Social Care Services

In Northern Ireland complaints regarding social care and health care are made to the Health and Social Care Services (HSC).

You are encouraged to complain as early as possible when an issue arises or you have a concern. You have one year from the date of the event occurring or you being made aware of the concern to lodge your complaint. You should report your complaint within six months but you do have up to 12 months.

Find the contact details for your local HSC trust here www.nidirect.gov.uk/make-a-complaint-against-the-health-service.

If you require assistance lodging a complaint about the HSC you can contact Patient and Client Council at www.patientclientcouncil.hscni.net/making-a-complaint or 0800 917 0222.

2. Taking your complaint to the Health Services Ombudsman in Northern Ireland

If you are unhappy with the results of the local complaint procedure you should escalate your concerns to the Commissioner for Complaints at the Northern Ireland Ombudsman. To complain to the Ombudsman you must complete a form that can be found at www.ni-ombudsman.org.uk/How-to-Complain.aspx.

The Ombudsman will be able to help if you have already gone through the entire complaints procedure through the HSC and are not satisfied with the outcome.

3. Judicial Review of Decisions in Northern Ireland

Additionally you have the option of seeking a Judicial Review. Judicial Review (JR) is held in the high court and can be used to evaluate whether the decision made were lawful. This means that a judge will evaluate the processes used to reach the decision rather than the decision itself. If you file for JR following a decision by the HSC, the review will be on the HSC decision, however; if you file for JR after an Ombudsman decision, the JR will review the Ombudsman decision and not the original decision of the HSC.

To file for a JR it is advisable that you have exhausted the complaints and ombudsman procedures first, however; it is possible to file for urgent Judicial Reviews in some circumstances.

It is important to note that you must file for JR as soon as practicable or a maximum of three months following you being made aware of the decision (or time that you should have been aware). The time starts running from the date you are made aware of the decision or should have been aware.

For full information on Judicial Review please see www.justice.gov.uk/courts/rcj-rolls-building/administrative-court/applying-for-judicial-review.

Judicial Review can be quite a complicated and expensive process and it is recommended that you seek legal advice regarding any JR proceeding. It is also very important to note that the courts can make a costs award against the claimant, meaning you may be ordered to pay for the legal cost of the opposing party, which could be thousands of pounds. For this reason, you are encouraged to seek legal advice and, if possible, apply for Legal Aid. You can check your eligibility for legal aid and get additional information about how to apply at www.dojni.gov.uk/index/legal-services/legal-services-members-of-the-public.htm. You may be able to access legal advice through a local law centre www.lawcentres.org.uk.

For information and support please contact your local Citizen's Advice Bureau or look at their website www.citizensadvice.co.uk.

Legal Clinics

A legal clinic is a free legal service which is intended to provide initial advice. Each clinic varies in what areas of law they offer advice in. Typically, clinics are staffed by volunteer solicitors and barristers and law students often help with the administration of the clinic.

There are clinics operating throughout the UK. These clinics may operate out of Law Centres, GP surgeries, Citizen's Advice Bureaus or universities. These might be advertised locally or on the internet. One way to find a legal clinic is to check the LawWorks website www.lawworks.org.uk/clinics. LawWorks is the pro bono charity for solicitors.

Some clinics offer set appointment times while others operate on a drop-in basis, a small number of clinics also offer advice over the phone. Contact the clinic you intend to visit or view their website to find out how they operate. Some clinics offer a general advice service and will provide brief advice on a wide range of issues and help you decide what to do next. Other clinics offer specialist advice in particular areas of law, such as housing or employment, for example.

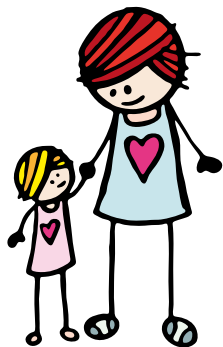
Some clinics can help you to complete simple forms, or draft a letter for you to send or make a telephone call on your behalf. Very occasionally and only after receiving your express permission, a clinic may agree to undertake a limited amount of additional work on your behalf.

It is important to remember that sometimes legal advisers may have 30 minutes or less to hear your story and provide advice. Being clear about your query will help you to get the most out of your session.

You should take any documents pertaining to your query with you to an appointment. This might include letters, assessments, contracts or court documents. Any documents that are critical to the query should be taken. It is important to remember that advisers have limited time to spend with you so limiting documents to only the most necessary is the best way to get the most from your appointment.

We are grateful to LawWorks, the pro bono charity for solicitors for their help in preparing this fact sheet.





Together for Families Helpline
7am-Midnight, 7 days a week

0808 8088 100

info@togetherforshortlives.org.uk

www.togetherforshortlives.org.uk



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