

# **INDEPENDENT REVIEW BODY**

**(Investigating Complaints of NHS Treatment)**



**P.O. BOX 281, DOUGLAS, ISLE OF MAN, IM99 2SH**  
**email: [nhsirb@gov.im](mailto:nhsirb@gov.im)**

## **APRIL 2021 INFORMATION LEAFLET**

### **Who we are**

We were set up by Government in accordance with the National Health Service (Complaints) Regulations 2004 as amended by the NHS (Complaints) (Amendment) Regulations 2021 to provide an independent complaint handling service to review complaints concerning the substance and outcome of the care and treatment provided by Manx Care that have not been resolved by the National Health Service (NHS) in the Isle of Man.

We are not part of Government or the Isle of Man NHS. We consider all complaints impartially, neither acting as a defender of the service provider nor as an advocate of the complainant.

### **Our Members**

We are appointed by the Isle of Man Council of Ministers in accordance with the NHS (Independent Review Body) 2004 Regulations as amended by the National Health Service (Independent Review Body) Regulations 2021 and consist of six members, who come from diverse professional backgrounds and bring a wide range of experience.

We are totally independent lay citizens and are not permitted to be or have been healthcare professionals. We are able to seek advice on clinical information from an expert.

We do not have an office. We are supported by a clerk, who is not a Government employee, and who, like the members, works from home.

### **What to do before you come to us**

You should raise your concerns regarding care and treatment early on with regard to any services provided by Manx Care, i.e. Dentists, General Practitioners, NHS Hospitals, Optometrists, Pharmacists as supplied under the NHS. It may be that it will be possible to sort the problem quickly.

Where this is not the case, your complaint should formally be directed to the relevant service provider, e.g. Hospital, who will look at the matters raised and take steps to resolve whether via conciliation, mediation, or other means. This process is called 'local resolution'.

Details of whom to contact is contained in the leaflet entitled 'Complaints Procedure for Health Services – A Patient's Guide' which can be obtained from the Manx Care public reception areas or can be found on the Manx Care website under the side heading 'Complaints and compliments'.

### **When to complain to us**

You can complain to us when 'local resolution' has been unsuccessful and if you are not happy with the care and treatment provided under the NHS.

You may consider the investigation by the NHS was inadequate, incomplete or unsatisfactory.

You may have reason to believe that the underlying issues, which led to the complaint, have not been fully uncovered or understood. You may believe that the response from the NHS did not address all the issues raised in the complaint.

### **Time limits**

It is a good idea to get your complaint to us as soon as possible and **within 28 days** after you have had a final response from the organisation with which you are not happy.

Normally, if we receive a complaint outside this time limit, we cannot investigate. However, the Regulations do allow some flexibility and in certain circumstances we may be able to investigate even if your complaint is outside this time limit.

If you were not able to complain to us in time, please explain what happened to delay contacting us and we will decide whether it is still possible to investigate.

### **Who can complain to us**

A current or former patient.

Someone on behalf of a patient (eg a relative or carer) where the patient has given consent.

Someone on behalf of a patient where the patient has died, is a child, or is unable because of mental or physical incapacity to make the complaint themselves.

Visitors or family members who are unhappy with the service they have received.

### **How to lodge your complaint**

You should contact us wherever possible via the secure email [nhsirb@gov.im](mailto:nhsirb@gov.im) and by completing the complaint form as included on the IRB webpage on the Government site. If you do not have access to email, please write to the postal address at the top of this leaflet and a form will be forwarded to you.

### **What we can and can't do**

#### **We can**

1. investigate complaints concerning care and treatment provided under the National Health Service via Manx Care including commenting on the manner and process by which it was handled.
2. make recommendations to put things right
3. require the NHS to improve its services to avoid the same things happening again which includes asking the organisation to review its policies or procedures, guidance or standards

#### **We cannot**

1. examine complaints regarding treatment supplied under a private arrangement
2. investigate complaints where legal proceedings have commenced
3. award compensation or make recommendations about staff disciplinary action

### **How we deal with complaints**

**Step 1** When we first receive your complaint we have to make sure that it relates to NHS provision, that you have been through the service provider's own complaint process already, that you have the patient's permission to make the complaint and that your complaint has been received within the specified time limit or there is a valid reason for the delay in submission.

**Step 2** We will acknowledge receipt of your complaint and send an explanatory letter. You will be asked to complete and return consent forms for the IRB to receive copies of the relevant NHS

records. The copy files will then be requested from the NHS; the photocopy process can take up to eight weeks.

**Step 3** Your complaint will be allocated to one of the IRB members (convenors) who will consider the material you have provided and all the documentation received from the service provider.

**Step 4** The convenor will investigate what has happened and may request additional information from you or the NHS. Current NHS guidelines will be considered and, where necessary, independent expert advice will be sought. A convenor can decide to uphold your complaint, reject your complaint, refer the matter back for further action as part of local resolution or call for an Independent Review Panel.

*(Please note a Panel is only established where it is deemed that the issues raised need further investigation to determine the facts and will involve your attendance and that of the relevant NHS staff as well as any required independent clinical experts. A Panel report will be issued containing details of the proceedings, the decision and any recommendations. The complaints process ends following the NHS Provider's response to the Panel's report.)*

**Step 5** You, Manx Care, the Department of Health & Social Care, and the NHS Provider will receive a copy of the report containing the convenor's decision and, where applicable, any recommendations as to how the service can be improved.

**Step 6** Should you be unhappy with the contents, you can appeal within 28 days for review by a second IRB convenor. You should explain fully why you are requesting a second review and with which aspects of the first convenor's report you disagree. In such circumstances, the second convenor will examine the facts and provide a report on findings.

**Step 7** Where recommendations are made for improvements to the service, the NHS is required to respond to the IRB and the complainant listing the action to be taken and when completed.

You will be kept fully informed throughout the IRB process.

**COMPLAINTS PROCEDURE COMPLETED** The complaints procedure ends at **Step 7**. There is no further appeal process or recourse to any other Body or Organization regarding the review of your complaint undertaken by the IRB concerning the substance and outcome of the care and treatment provided by Manx Care.

### **What you can expect from the review of your complaint**

The IRB is committed to resolving complaints in a fair and consistent manner for both you and the NHS. Where necessary it will seek an explanation and acknowledgement of what went wrong, action to put matters right and, where warranted, an apology. It may recommend changes in the way the service is provided to avoid a recurrence in the future and that lessons are learned where things have gone wrong.

### **Further advice and support**

The above gives an overview of the role and remit of the Independent Review Body (IRB). If you require clarification of any points, please contact the Clerk via [nhsirb@gov.im](mailto:nhsirb@gov.im) who will assist by answering any queries.