



## Independent Complaints Advocacy

Independent Complaints Advocacy (ICA) is a free, independent, professional support/advocacy service for all patients who want to make a complaint about healthcare commissioned or provided by the NHS in England. ICA is a statutory service which was launched on 1<sup>st</sup> April 2013 following the abolition of the Independent Complaints Advocacy Service (ICAS). It is funded and commissioned by Local Authorities.

ICA offers a tailored support/advocacy service to meet the different needs of our clients. Some people access the service for information; some contact the service to discuss their options. Other clients require more intensive support, and advocates can provide this by drafting letters on their behalf, making telephone calls to progress matters and accompanying them to meetings arranged to discuss their complaint.

What ICA Advocates CAN do:

**Discuss the client's issues/concerns/complaint in detail** - Advocates do not say if a complaint is valid or not. Advocates make all clients aware of the limitations of the complaints procedure and work hard to manage expectations, regularly reminding them of what can be achieved through this process.

*When a client contacts ICA they are made aware of the different options open to them for highlighting their concerns, including the time frames for pursuing litigious action. ICA does not recommend one process over another, and do not encourage clients to make complaints in any way.*

**Discuss outcomes they can achieve through the NHS complaints route** – Apology, service improvement, explanation and in some cases redress.

**Discuss what advocacy support the client requires** – ICA advocates will provide support tailored to the client's needs/requirements.

**Provide information on other routes** – Our role is to provide support and guidance, however we can provide information and outline the various options open to a client, including the various professional regulators and bodies such as the Information Commissioners Office. ICA can provide information on a variety of other routes a client can take ( e.g. General Medical Council, Nursing and Midwifery Council, General Dental Council) Advocates can assist a client in completing any forms related to these bodies, however they can not provide any other support.

**Draft a complaint letter for/with the client** – ICA advocates can draft a complaint letter from information given by the client, however we encourage our clients to work with their advocate to draft the complaint letter. We understand that clients have different needs and requirements, ICA advocates will discuss client's capabilities with them.

**Provide information on how to access medical records/notes** – ICA will not request medical records on a client's behalf, however we will provide information to the client on how this is done. We will help a client complete any forms related to this.

**Involve an interpreter and/or translator** – We often work with clients where English is not their first language – ICA advocates can request the assistance of an interpreter to discuss a client's complaint, and also when required have the client's letter translated in their preferred language.

**Provide materials in other formats (at request only)** – We can provide all our literature in the language required, we can also obtain all our literature in braille.

#### **Attend meetings with clients -**

- **Action plan meeting** – These meetings are arranged by the service provided, they give the client an opportunity to discuss their issues/concerns/complaint with a member of staff in the complaints/quality department. Between the client and the NHS service provider they can agree a course of action which is suitable for the client, plus time limits can be discussed and agreed.
- **Local Resolution meeting** - ICA advocates act only on instruction, and so there is normally a discussion prior to the meeting to clarify the role the client would like them to play. Some people can feel intimidated by meeting with a group of professionals, and so would like an advocate to speak on their behalf. An advocate can do this, but will only discuss issues which have been agreed before the meeting – they will not raise any other points, or ask questions of their own. They may ask for something to be explained more simply or for clarification on a certain point, but this is only to make sure a client has understood the explanation provided.

➤ **Advocates do not take notes or minutes in meetings**

The advocate's primary role in a meeting is to provide support for their client. They will not take minutes or record the meeting in any way, but you may notice the advocate marking or ticking off the points which have been covered. This is a prompt for them to ensure that the client's issues are covered, and the meeting is as productive as possible.

➤ **Advocates provide the options for clients, but do not offer their own opinions on a complaint**

ICA advocates only assist clients with complaints about the NHS, and so are experienced in working with The Local Authority Social Services and National Health Service Regulations 2009. ICA advocates regularly draft correspondence and attend local resolution meetings, supporting clients in each different scenario. They also prepare clients for a local resolution meeting, meeting the client beforehand to go through the responses they have already received, discussing with the client what they remain unhappy

with. An advocate can highlight where apologies or explanations have been provided in writing, however, if the client remains dissatisfied or requires further information, an advocate will not prevent a client from asking a question again.

➤ **An advocates role should the meeting become difficult**

Should a client become upset or emotional during a local resolution meeting, the advocate, with the clients agreement, may stop the meeting and ask for a short break. Similarly, should a client become visibly frustrated, aggressive or verbally abusive, the advocate will stop the meeting. A short break may be requested, or it may be suggested that the meeting is ended and reconvened at a later date. Similarly, should the client show signs of feeling threatened or unhappy about the behavior of anyone else at the meeting, an advocate can also suggest a break in the meeting. For example, should an attendee at the meeting behave in an aggressive or offensive way, the advocate may suggest a 5 minute break for people to recompose themselves, and to check that the client is happy to continue. In this situation an advocate will take all of their prompts from the client.

Prior to a local resolution meeting, an advocate will spend time with a client reiterating these outcomes, and focusing the client on what they want to achieve from the meeting. Advocates also make clients aware of the time frames for making a complaint, but would support a client whose concerns are outside this, as long as their concerns fall within our remit.

ICA Advocates CANNOT :

- Investigate complaints
- Give medical or legal advice
- Assist with any claims for clinical negligence
- Assist with complaints about private medical care
- Be involved in disciplinary action against a member of NHS staff
- Remove a practitioner from their professional register