

**Complaint on behalf of a patient who lacks mental capacity to consent to a complaint investigation.**

Determine lack of capacity to consent to a complaint investigation; either by confirming with the ward staff/ lead clinician that the patient lacks mental capacity or a retrospective review of the patient's records by a clinician

Has the lack of mental capacity been confirmed

Yes  No

If the patient has mental capacity then they have the right to make a decision as to whether or not to proceed with the investigation. *The investigation cannot be undertaken without their consent*

Does the person making the complaint have Lasting Power of Attorney - Health and Welfare (LPA)?

Yes

No

A copy of the registered LPA – Health and Welfare is required and logged on Datix .

Proceed with the complaint investigation. The findings can be shared/disclosed to the person with the LPA–Health and Welfare.

If No please indicate which statutory requirement the complaint is being investigated under.

*(Please tick the relevant box)*

The investigation undertaken will be in the public interest.

Is the person making the complaint, the patient's identified/documentated family/friend. If so, confirmation should be sought by cross-referencing with Lorenzo.

A senior health professional has raised a complaint acting in the Best Interest of the patient . In this instance, please consider informing the LPA or patient's identified documentated family /friend.

Once the relevant statutory requirement has been established proceed with the complaint investigation. NB The starting point is always presumption of capacity. If it is felt that the patient has mental capacity, their consent should be sought in order to proceed with the investigation.

Please log the completed pathway on Datix.