



**NORTHERN IRELAND PRACTICE AND EDUCATION
COUNCIL FOR NURSING AND MIDWIFERY**

Complaints Policy & Procedures

November 2023

Any request for the document in another format or language will be considered

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1. Introduction

NIPEC is committed to providing a quality service and values feedback from people who come into contact with the organisation. It is our aim to embed and maintain an accessible, transparent, robust and effective complaints policy and procedure aligned to *Guidance in Relation to the HSC Complaints Procedure (Revised April 2023, DoH)* or *HSC Complaints Procedure* for short. NIPEC also aims to ensure learning opportunities are acted upon both specifically and corporately, improvements are implemented promptly to reduce the risk of recurrence, and stakeholders who experience failings and raise complaints are listened to and treated fairly and properly.

This policy will set out the process that NIPEC staff will follow when dealing with complaints, identify the associated responsibilities, detail the timescales we will endeavour to work to, and identify contacts for further assistance where this is necessary.

2. Principles

The HSC Complaints Policy (HSC Complaints Procedure, 2023) advocates that all HSC organisations should have in place complaints' procedures which are "accessible, open, fair, flexible and conciliatory and should encourage communication on all sides." Procedures should state clearly the process for investigating and resolving complaints, with complainants being advised of their rights including the opportunity to refer their complaint to the Ombudsman if they remain dissatisfied with the outcome.

NIPEC and its staff will adhere to the following HSC Complaints Procedure principles when receiving, investigating and responding to complaints:

- **Accessibility and Openness** – flexible options for pursuing a complaint and effective support for those wishing to do so;
- **Responsiveness** – providing an appropriate, timely, and proportionate response;
- **Fairness and independence** – emphasising early resolution in order to minimise strain and distress for all; and
- **Learning and improvement** – embracing complaints as a positive opportunity to learn and improve services.

3. Responsibilities for Complaints Management in NIPEC

All staff within NIPEC have responsibility for the effective and efficient resolution of complaints in support of this Policy and to respond to complaints in a positive way. They must ensure that they are familiar with this policy and associated procedure to enable them to identify when a complaint has occurred and understand what steps to take. Staff

should also be aware of their legal and ethical duty to protect the confidentiality of stakeholder's information.

In addition, there are designated roles and responsibilities to support complaints management within the organisation:

- **NIPEC Council** are responsible for ensuring there is an effective complaints policy in place and that complaints are monitored, reported on, and lessons learnt;
- The **Chief Executive** has overall responsibility for the Complaints Policy and ensuring its effective application;
- **Council Members** may be required to participate in Review Panels where a Complainant states they are not satisfied with NIPEC's response;
- The **Head of Corporate Services** has been designated by the Chief Executive to be responsible for the review of complaints, and ensuring the implementation and operation of the Complaints Policy, including ensuring administrative errors are put right and flaws in processes are remedied;
- The Business Manager has been designated the organisation's Complaints Manager and will co-ordinate the local complaints arrangements, manage the process and ensure staff are adequately trained once every three years.

4. Defining a Complaint

4.1 What is a complaint?

A complaint is “**an expression of dissatisfaction that requires a response**” (HSC Complaints Procedure, 2023). Complainants may not always use the word “complaint”. They may offer a comment or suggestion that can be extremely helpful. It is important to recognise those comments that are actually complaints and therefore need to be handled as such.

Complaints are ordinarily received from stakeholders or their representatives. Those eligible to make a complaint are referred to as a Complainant and it is helpful to note that complaints usually originate from:

- an action or lack of action; and/or
- the standard of service provided; and/or
- the conduct of a member of staff or Council (or other person acting on our behalf).

Complainants and their complaints must be dealt with using the procedure in section 7 of this document. Therefore, all staff in NIPEC have a responsibility for the effective and efficient resolution of complaints in support of this Complaints Policy and to respond to complaints in a positive way. All complaints covered by this policy require an investigation, proportionate to the potential significance of the complaint, and all complainants require a response.

4.2 Who can complain?

Any person can complain about any matter connected with the provision of NIPEC services. Complaints may be made by:

- A person who uses the services of NIPEC;
- A visitor to or user of NIPEC facilities;
- An appropriately authorised person acting on behalf of a stakeholder.

4.3 How can complaints be made?

Complaints may be made in a variety of formats including verbally, written or electronic. Should a complaint be verbal, the complainant should be asked to formalise their complaint in writing. If the complainant is unable to put their complaint in writing then NIPEC staff can provide assistance. It is helpful to establish at the outset what the complainant wants to achieve in order to avoid confusion or dissatisfaction and subsequent complaints.

Complaints may be made to any member of staff and in many cases, complaints are made orally. It is important therefore that all staff receive the appropriate complaints handling training and support in order that they may respond sensitively to the comments and concerns raised and, if appropriate, resolve the complaint “on the spot”, or be able to distinguish those issues which would be better referred to the NIPEC Complaints Manager for more detailed investigation.

4.4 What information should be included in the complaint?

A complaint need not be long or detailed, but it should include:

- contact details;
- who or what is being complained about, including the names of staff if known;
- where and when the events of the complaint happened;
- where possible, what remedy is being sought – e.g. an apology or an explanation or changes to services provided.

4.5 What are the timescales for pursuing a complaint?

A complaint should be made as soon as possible after the action giving rise to it, normally within six months of the event however delayed complaints may be considered by NIPEC depending on the nature of the complaint and the reasons for the delay. In considering delayed complaints, NIPEC will reference the HSC Complaints Procedure for guidance.

Complainants can expect the following response timescales from NIPEC:

- A written acknowledgement of receipt of their complaint within 2 working days;
- A complaint response issued within 20 working days of the complaint receipt;
- A review response issued within 20 working days of the review request;
- While every effort will be made to investigate and reply to formal complaints and reviews within 20 working days, there may be occasions when additional time is needed. If this happens the complainant will be advised at the earliest possible opportunity and within the 20 days. The complainant will be advised of why additional time is required and how long it will take to provide a full response.

4.6 Promoting access

All HSC organisations must ensure that their complaints process is well publicised locally, on websites and their publication scheme. This means that stakeholders should be made aware of:

- their right to complain;
- all possible options for pursuing a complaint, and the types of help available;
- the support mechanisms that are in place.

Local information should:

- be visible, accessible and easily understood;
- be available in other formats or languages as appropriate;
- be provided free of charge; and
- outline the arrangements for handling complaints, how to contact complaints' staff, the availability of support services, and what to do if the complainant remains dissatisfied with the outcome of the complaints process.

5. Policy Aims

The NIPEC Complaints Policy aims to:

- view all feedback, including complaints, positively;
- seek to resolve problems by informal means at an appropriate level wherever possible, and provide a straightforward and accessible means of resolution where informal means do not work;
- support the organisation to improve and develop its services, and in doing so, rectify situations where something has gone wrong and resolve any misunderstandings;
- be open and transparent, accessible and effective, and undertake to investigate and respond to all complaints as quickly as possible;
- protect the confidentiality of all those who raise concerns with NIPEC;
- provide consistent equal treatment of all persons who raise concerns.

6. Complaints not covered by this policy

Complaints may be raised within an HSC organisation which need to be addressed, but the complaint or aspects of it may not fall within the scope of the NIPEC Complaints Policy. Detail of the type of complaints excluded from this policy and procedure are listed in Appendix 1.

Complaints received that indicate the need for referral under any of the processes listed in Appendix 1 should be immediately transferred to the Complaints Manager for onward transmission to an appropriate person/manager. Where a complaint is referred to any of these other processes, the Complaints Manager should ensure that information is given to complainants on the reason for the referral, the named officer, and/or organisation the complainant can contact for ongoing communication. If any aspect of the complaint is not covered by the referral it will continue to be investigated under the NIPEC Complaints Procedure. In these circumstances, investigation will only be taken forward if it does not, or will not, compromise or prejudice the matter being investigated under any other process.

7. Procedure

7.1 Informal Complaints

Local resolution will enable the complainant and the organisation to attempt a prompt and fair resolution of the complaint. The best way to resolve most complaints is informally and directly with the member of staff who is providing or managing the service and where possible, complaints will be dealt with immediately.

Most often these complaints take the form of phone calls, face to face contact or email.

Some complainants may prefer to make their initial complaint to someone within the relevant organisation who has not been involved in the service provided. In these circumstances, they should be advised to address their complaint to the Complaints Manager, a senior officer or the Chief Executive.

NIPEC staff are encouraged to make a note of any informal complaints and raise these with the relevant manager or committee to ensure that lessons learnt are shared and acted on where relevant.

7.2 Formal Complaints

Where local resolution is not possible or the complainant wishes to escalate their complaint directly to the formal complaints process, the following steps will be taken:

7.2.1 Stage 1 Formal Complaint:

7.2.1.1 An individual can raise a complaint under the formal complaints' procedure in a number of ways:

- They can inform the NIPEC staff member who they have been dealing with under the informal stage above, in which case the staff member should forward the complaint to the Complaints' Manager;
- The individual can lodge the complaint themselves by emailing enquiries@nipec.hscni.net;
- The individual can write to NIPEC.

7.2.1.2 The formal complaint will be acknowledged within **two working days** of receipt either by email or hard copy as indicated as the preference of the complainant and recorded in the NIPEC register by the Complaints Manager.

7.2.1.3 The Complaints Manager will investigate the complaint with the utmost urgency and will aim to issue a response within **20 working days**.

7.2.1.4 To resolve complaints the Complaints Manager may need to contact the individual directly for additional information or clarity. This will be within the 20-working day timeframe.

7.2.1.5 It is important that formal complaints to NIPEC are made in writing and contain the detail of the issue being raised. This is so complaints can be fully understood and the matters investigated promptly. There may be times however that due to reasons such as disability that a complaint cannot be made in writing. In these circumstances the Complaints Manager will work with the individual (this may include a meeting) to best understand the issues being raised and agree the best way to provide a response to the individual.

7.2.1.6 No employee of NIPEC will be involved in investigating or determining a complaint in relation to their own acts, omissions or decisions. Where the complaint relates to the Complaints Manager, the complaint will be investigated and responded to by the Head of Corporate Services.

7.2.1.7 Where the complaint relates to a member of the Senior Management Team or a Council member then it will be referred directly to the Chair of the Council. The Head of Corporate Services will assist the Chair unless they are directly implicated in the complaint.

7.2.2 Stage 2 Formal Complaint:

7.2.2.1 If the complaint is not resolved to the satisfaction of the complainant under Stage 1, the individual has a right of review by the Head of Corporate Services (HoCS) who is a member of NIPEC's Senior Leadership Team. The Complaints Manager will inform an individual of their right for a review when replying to the complaint under Stage 1.

7.2.2.2 Should an individual wish to avail of their right for a review they should email or write to the HoCS. The review will be acknowledged within 2 working days and again the HoCS will seek to reply to the individual within 20 working days, or sooner where possible. In addition, the HoCS may decide that an alternative form of resolution is required depending on the nature of the complaint e.g. mediation, face to face meeting.

7.2.2.3 To ensure the independence of the review, the Complaints Manager will not be involved in the stage 2 Complaints Procedure but will be required to supply the HoCS with copies of the original complaint, any additional material received or sought to inform the investigation and a copy of the final response to the complainant.

7.2.2.4 The HoCS, shall investigate the circumstances surrounding the complaint. The investigation may involve obtaining written explanations from individuals involved. If individuals are asked to make such a written statement then they should be made aware of the reason for which it is required.

7.2.2.5 Following a thorough investigation, the Head of Corporate Services will issue a response to the complainant. In agreeing the final response, the HoCS may consult with the Chief Executive and/or Chair of the Council. Depending on the seriousness of the complaint, the response may be issued by the Chief Executive's office. The complainant will be advised of the conclusion, the reasons for this and appropriate details of any action being taken.

7.2.2.6 Where it is concluded that an issue arising from the complaint should be dealt with as a disciplinary matter, this will be referred to the appropriate manager for action under the NIPEC'S Disciplinary Policy. Where appropriate and in line with NIPEC's information governance policies, evidence arising from the complaint will be made available to the line manager.

NIPEC will include within its Annual Report a summary of complaints.

7.3 NI Public Services Ombudsman (NIPSO)

In the event that the complainant remains dissatisfied following NIPEC's review then they may wish to raise the complaint with the Northern Ireland Public Services Ombudsman (NIPSO) (see contact details in Appendix 2).

The Ombudsman's role is to ensure that the people of Northern Ireland are served by a fair and efficient public administration that is committed to accountability, openness, and quality service. There are three ways in which a person may raise a complaint with the Ombudsman – by completing an online complaint form, downloading and returning a complaint form, or by contacting their office by phone, email or in writing.

8. Non-Compliance

Compliance with this policy and any associated procedures will be monitored regularly and reports considered by the appropriate management. A failure to adhere to this policy and any associated procedures may result in disciplinary action.

9. Equality Statement

This policy has been screened for equality implications as required by Section 75 and Schedule 9 of the Northern Ireland Act 1998.

The screening has identified specific equality impacts and outlines the way that these will be addressed. No significant equality implications have been identified therefore the policy will not be subject to an equality impact assessment.

The equality screening has been published and can be accessed here <https://bso.hscni.net/directorates/people-and-place/655-2/equality-and-human-rights-screening/equality-screening/>

10. Review

This policy is based on the Guidance in Relation to the HSC Complaints Procedure (Revised April 2023, DoH) and will be monitored and reviewed in November 2026, or sooner, if a revised regional HSC policy is issued.

Appendix 1

The following complaints are excluded from the scope of this policy and procedure:

- A complaint made by an employee about any matter relating to his/her contract of employment as this is provided for under The Grievance Policy;
- Investigations under Disciplinary Procedures;
(N.B. No specific issue being considered as a grievance or disciplinary matter may be simultaneously or subsequently referred for consideration under the complaints procedures. However, if a disciplinary matter comes to light in the investigation of a complaint, the handling of the complaint must not be delayed pending the outcome of disciplinary action. Should the investigation of a complaint find that disciplinary action may be necessary, the Disciplinary Procedure must be initiated immediately on conclusion of the handling of the complaint.)
- Investigations by professional regulatory bodies;
- Complaints arising from requests for access to information under Freedom of Information or Access to Records under the UK General Data Protection Regulation (UK GDPR);
- A complaint about which the complainant has stated that he intends to take legal proceedings;
- NIPEC does not accept anonymous complaints for investigation. Such complaints can be difficult to investigate and appropriately respond to. However, where an anonymous complaint is received and it identifies systemic issues of concern, it will be referred to the appropriate officer to determine whether the matters raised can be investigated;
- Serious Adverse Incidents;
- An issue raised under regional Raising Concerns guidance (formerly referred to as Whistleblowing);
- A complaint the subject matter of which has previously been fully investigated under this policy;
- A complaint which is being or has been investigated by the NI Public Services Ombudsman (NIPSO).

Useful Contacts

- **Lisa McEneaney**
Complaints Manager / Business Manager
NIPEC
James House
4th Floor
2-4 Cromac Avenue
Belfast
BT7 2JA Tel: 0300 300 0066 or email lisa.mceneaney@nipec.hscni.net
- **Jill Jackson**
Head of Corporate Services
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4th Floor
2-4 Cromac Avenue
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BT7 2JA Tel: 0300 300 0066 or email jill.jackson@nipec.hscni.net
- **The Public Services Ombudsman**
Progressive House
33 Wellington Place
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www.nipso.org.uk/nipso
- **Patient and Client Council**
4 Wellington Court
Ballymena BT43
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Tel: 02895362548
- **The Equality Commission for Northern Ireland**
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