



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

Handling of Complaints

October 2018

Review date: September 2021

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

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www.nipec.hscni.net

NIPEC is committed to providing a quality service and values feedback from people who come into contact with the organisation. NIPEC's procedure on Handling of Complaints is designed to ensure that issues brought to its attention are listened to, noted, investigated and responded to.

Information on how to make a complaint can be obtained from NIPEC by contacting their offices on 0300 300 0066 or by email at enquiries@nipec.hscni.net

1.0 WHAT IS A COMPLAINT?

1.1 NIPEC considers a complaint to be '**some real sense of grievance as a result of action, or inaction, by NIPEC**', excluding those matters dealt with under the NIPEC's Grievance Procedures or Disciplinary Procedures.

1.2 Complaints/allegations may be made against:

- a member of staff; or
- a member of the Council.

1.3 Complaints/allegations may be made by:

- a member of the public;
- a registrant with the Nursing and Midwifery Council;
- a professional organisation or trade union; or
- another organisation within the public or independent sectors.

2.0 PRINCIPLES

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

- Every effort will be made to investigate, respond to and resolve the issues raised as informally as possible.
- Complaints should be investigated impartially, thoroughly, fairly and as quickly as circumstances permit.
- The complainant will be kept fully informed of the reasons for any unavoidable delays in resolving the issues raised.
- Any person(s) who are the subject of a complaint will be kept informed and given the details of the complaint and, where appropriate, the name of the complainant, so they can be given an opportunity to provide a full response to the issues raised.

They will also be advised to consider seeking the help and advice of their professional association or trade union before commenting on a complaint.

2.2 NIPEC is committed to the promotion of equality of opportunity and good relations and details of how we intend to do this are included in our Equality Scheme. When someone complains that they have been directly affected by our failure to comply with our Equality Scheme, NIPEC will acknowledge receipt of this within two

working days. NIPEC will then carry out an investigation of the complaint and respond substantively to the complainant within one month of the date of receiving the letter of complaint, or within two months in certain circumstances and if the complexity of the matter requires a longer investigation.

If the complainant is dissatisfied with our response or feels their complaint has not been resolved within a reasonable timescale, the complainant can make a formal complaint in writing to the NI Equality Commission. The complainant will be provided with information on how complaints of this nature are dealt with and the procedure for sending their complaint to the NI Equality Commission.

NIPEC will fully co-operate with any subsequent investigation by the Equality Commission, providing access to any relevant documentation which the Commission may require. Similarly, NIPEC will co-operate fully with any investigation by the Equality Commission under sub-para 11(b) of the Schedule 9 of the NI Act 1998.

3.0 GENERAL

3.1 The remit of NIPEC Council is underpinned by the values of respect, integrity, visible leadership and continuous improvement. It therefore views all feedback, including complaints, positively. NIPEC is committed to improving and developing its services, and in doing so, aims to rectify situations where something has gone wrong and resolve any misunderstandings.

3.2 In the event of a complaint being received by NIPEC, the procedure set out below must be adhered to.

Questions raised by Members of the Northern Ireland Assembly (MLAs) or Members of Parliament will be managed and responded to through the Chief Executive's office and/or the Head of Corporate Services.

This document deals with the handling of a complaint which been made against the Council, a member of the Council, and/or a member of NIPEC staff.

3.3 NIPEC's complaint procedure has been designed to be open and transparent, accessible and effective, and aims to investigate and respond to all complaints as quickly as possible.

3.4 All complaints will be respected and handled in a confidential manner. All NIPEC staff are bound by the duty of confidence and access to confidential information is on a 'need-to-know' basis only. This applies to all exchanges of information taking place within, or as a result of, the complaints procedure.

3.5 Complaints relating to NIPEC will be addressed by the Senior Management Team¹ in the first instance, except in the following circumstances:

3.5.1 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

¹ Senior Management Team refers to (Chief Executive, Head of Corporate Services and Senior Professional Officers) – one of whom will be nominated as the named individual.

Council. The Head of Corporate Services will assist the Chair unless they are directly implicated in the complaint.

3.5.2 If not resolved to the satisfaction of the complainant at this level the complaint can then be referred directly to the Council.

3.6 Only complaints which contain the name and address of the complainant are covered by these procedures. They do not apply to unsigned anonymous complaints. Verbal complaints should be confirmed in writing.

3.7 In the event that a criminal offence may have been committed, and criminal proceedings may be instigated, the Chair of the Council will be kept informed. When it appears that a criminal offence may have been committed the police must be informed by the Chief Executive.

3.8 It is important to ascertain if the issues raised within a complaint should be managed and dealt with under the grievance or disciplinary procedures. Where a member of staff is expressing a grievance as defined within the Grievance Procedure, or the issues raised are perceived as a possible disciplinary matter, then these should be appropriately dealt with and responded to under the Council's Grievance or Disciplinary Procedures respectively.

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 an issue not initially perceived as a disciplinary matter comes to light in the investigation and consideration of a complaint, the handling of the complaint must not be delayed or deferred pending the outcome of disciplinary action. Should the investigation of a complaint find that disciplinary action may be necessary, then on conclusion of the handling of the complaint, the Disciplinary Procedure must be carried forward immediately as a completely separate and discrete procedure.

3.9 In the event that disciplinary action may need to be taken as the outcome of a complaint, any evidence arising from the investigation of the complaint will be made available to the panel or manager dealing with a specific disciplinary matter.

3.10 NIPEC will review its complaints handling procedures every three years.

4.0 PROCEDURES

4.1 The procedures for handling complaints are outlined at Appendix 1. It is Council policy that all matters of complaint should be addressed in the first instance to the appropriate level of the organisation.

4.2 The following procedure will apply:

4.2.1 A written complaint will be acknowledged within **two working days** of its receipt. The Senior Management Team will be made aware of the receipt of the complaint. The complaint shall be recorded in the NIPEC register by the Head of Corporate Services.

4.2.2 NIPEC will investigate a complaint with the utmost urgency with a response from the nominated officer being forwarded within **20 working days**.

However, in the event that a response to the complainant is not possible in the expected timescale, the complainant will be written to and given the reasons for the delay and a new timescale given. The complainant will be kept informed of any delays in responding.

4.2.3 In the event that the complainant is unhappy with NIPEC's response and having exhausted all levels within the Policy then the complainant may wish to consider contacting the Ombudsman's Office and Equality Commission, who may be able to assist.

4.2.4 The Head of Corporate Services, or officer acting for the Head of Corporate Services, shall, as quickly as possible, investigate the circumstances surrounding the alleged cause of the complaint. Their investigation will be in consultation with Senior Professional Officers on professional matters, and, if it appears that circumstances warrant this, the advice of the NIPEC's Solicitors, may be sought.

4.2.5 The investigation may involve obtaining written explanations from individuals involved. If individuals are asked to make such a written statement then they must be made aware of the reason for which it is required.

4.2.6 The Head of Corporate Services, or officer acting for or on his behalf, shall produce a report with recommendations which will then be considered by the Senior Management Team.

4.2.7 A response will be formulated and, when agreed by the Senior Management Team, will be signed by the Chief Executive, or officer acting for the Chief Executive, and issued to the complainant. The complainant will be advised of the conclusion, the reasons for this and appropriate details of any action being taken. Where the complaint is made against an officer or officers of NIPEC, or a member of the Council, such individuals will also be advised of the conclusion, the reasons for this and appropriate details of any action being taken.

4.2.8 In agreeing the final response the Chief Executive may consult with the Chair of the Council if circumstances appear to warrant this.

4.2.9 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 Council's Disciplinary Procedures. As indicated at 3.9 above, evidence arising from the complaint will be made available to the responsible manager and the investigating officer.

4.2.10 If the complaint was referred through the Commissioner for Complaints, or the Equality Commission, every reasonable co-operation must be afforded to these agencies during the course of their investigations, with due regard being given to time limits, etc.

- 4.2.11 All correspondence and responses to complaints shall be retained on confidential file for a period of not less than three years.
- 4.2.12 If the complainant is not satisfied with the response from the Chief Executive and advises the Chair of the Council of this in writing within **28 days** of receiving the response, then the matter should be referred at the earliest opportunity to the Council for consideration.

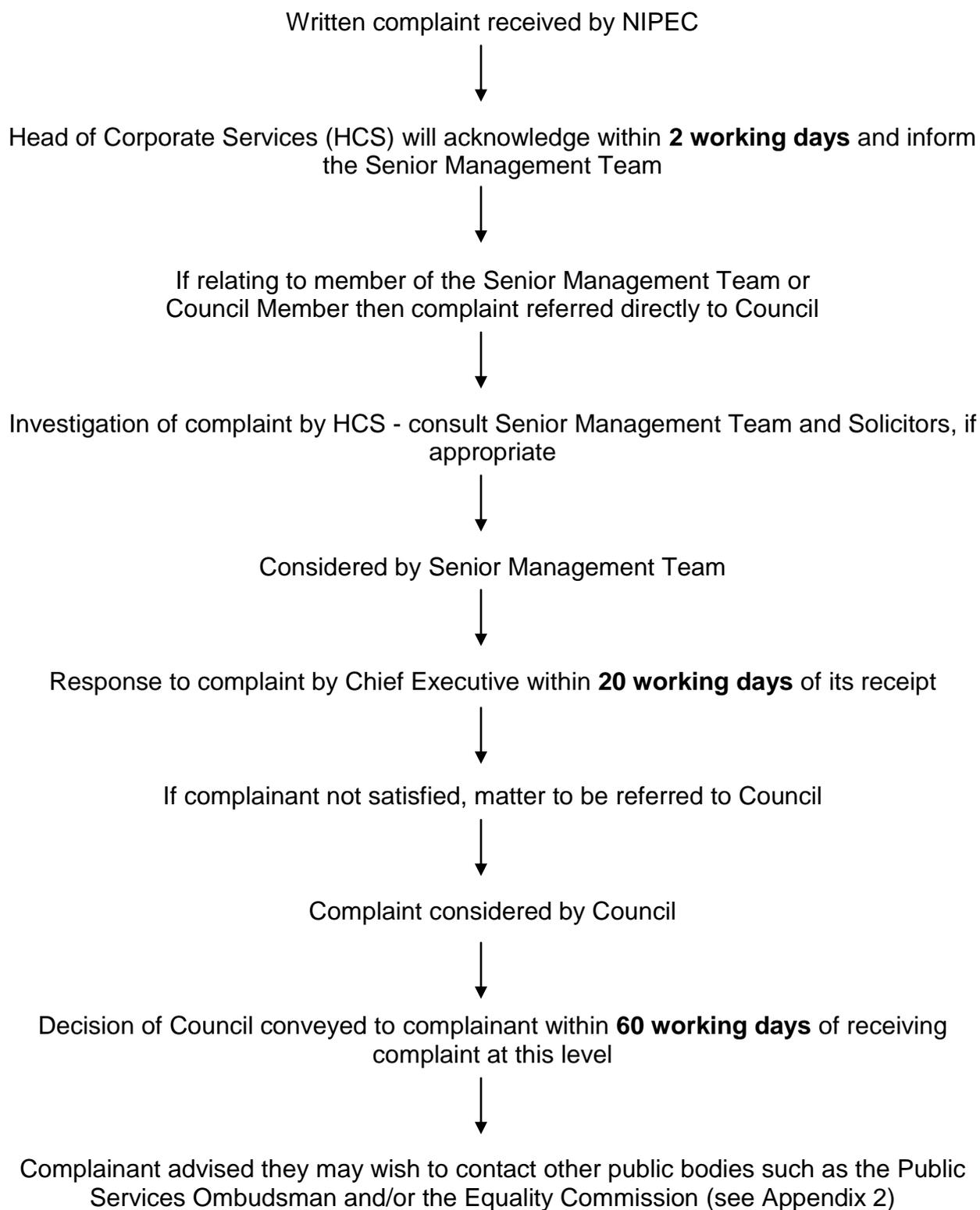
4.3 For complaints referred to the Council:

- 4.3.1 It must be ascertained that the complaint is being appropriately referred at this level. That is, the complainant has specifically requested referral in writing following consideration as at 4.2 above, or where the conditions as specified at 3.5.1 above apply.
- 4.3.2 No member of the Council who is specifically named in a complaint will participate in consideration of the complaint. If this leads to a situation where a meeting of the Council does not fulfil its quorum, this will be made clear to the complainant in the response. However, in circumstances where the total Council membership is specified and named within the complaint, the full membership will consider the complaint and this again will be conveyed to the complainant in the response.
- 4.3.3 The Chair, or a Council member acting on his/her behalf, will investigate the complaint and submit a report to the full Council within **60 working days** of receiving the complaint at this level. The Council will agree a response which will be signed by the Chair and issued to the complainant. The complainant will be advised of the conclusion, the reasons for this and appropriate details of any action being taken. Where the complaint is made against an officer or officers of the Council or a member of the Council, such individuals will also be advised of the conclusion, the reasons for this and appropriate details of any action being taken.
- 4.3.4 It should be made clear to the complainant that consideration of a complaint by the Council exhausts provisions for responding to complaints within the organisation. However, the complainant will be advised they may wish to contact other public bodies who may be able to offer further assistance, such as the Public Services Ombudsman or the Equality Commission, details of which are provided in Appendix 2.
- 4.3.5 NIPEC will monitor complaints via its Audit and Risk Committee by submitting at each meeting, as part of NIPEC's KPI report, the numbers and contents (anon) of complaints received.

Signed: _____
Chief Executive

Date: _____

COMPLAINTS PROCESS



NB: NIPEC register of complaints updated by HCS at each stage of this process

Contact information for other Public Bodies

The Public Services Ombudsman
Progressive House
33 Wellington Place
BELFAST
BT1 6HN

0800 34 34 24 (freephone)
(028) 9023 3821
(028) 9089 7789 (textphone)
nipso@nipso.org.uk
www.nipso.org.uk/nipso

The Equality Commission for Northern Ireland
Equality House
7-9 Shaftesbury Square
BELFAST
BT2 7DP

(028) 9050 0600
(028) 9050 0589 (textphone)
(028) 9024 8687 (fax)
information@equalityni.org
www.equalityni.org